Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 13172) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes, reported the same with amendments, accompanied by a report (No. 2493); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CANNON, from the Committee on Appropriations, reported a bill of the House (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes, accompanied by a report (No. 2494); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 13171) to ratify and confirm an agreement with the Creek tribe of Indians, and for other purposes, reported the same with amendments, accompanied by a report (No. 2495); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COOPER of Wisconsin, from the Committee on Insular Affairs, to which was referred the bill of the Senate (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes, reported the same with amendment, accompanied by a report (No. 2496); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McCLEARY, from the Committee on the Library, to which was referred the bill of the House (H. R. 14644) for the erection of an equestrian statue to the memory of Baron Steuben at Washington, D. C., reported the same with amendments, accompanied by a report (No. 2497); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CANNON, from the Committee on Appropriations: A bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes—to the Union Calendar.

By Mr. RICHARDSON of Tennesee: A bill (H. R. 15109) to place all articles and commodities manufactured and controlled or produced in the United States by a trust or trusts on the free list, and to reduce the rate of duty on any article or commodity manufactured in the United States and sold in a foreign country more cheaply than in the United States—to the Committee on Ways and Means.

By Mr. MOODY of North Carolina: A bill (H. R. 15110) to establish a United States commissioner's court at Pryor Creek, Ind. T., and for other purposes—to the Committee on the Judiciary.

By Mr. JOY: A bill (H. R. 15111) for the purchase of the original Houdon life cast bust of George Washington—to the Committee on the Library.

By Mr. BARTLETT: A resolution (H. Res. 304) requesting information from the Secretary of War—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills andresolutions of the following titles were introduced and severally referred as follows:

By Mr. APLIN: A bill (H. R. 15112) granting a pension to Matilda Marshall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15113) granting an increase of pension to John Murphy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15114) granting an increase of pension to Alonzo F. Canfield—to the Committee on Invalid Pensions.

By Mr. BELL: A bill (H. R. 15115) granting an increase of pension to James Kenny—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: A bill (H. R. 15116) granting an increase of pension to John B. Ross—to the Committee on Invalid Pensions.

By Mr. JETT: A bill (H. R. 15117) granting a pension to Benjamin Garland—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 15118) granting an increase of pension to Robert Bowman—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Tennessee: A bill (H. R. 15119) for the relief of Mrs. A. P. Anderson—to the Committee on War Claims.

Also, a bill (H. R. 15120) for the relief of the estate of Benjamin Adams, deceased—to the Committee on War Claims.

By Mr. REID: A bill (H. R. 15121) for the relief of John C. Ray, assignee of John Gafford—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON of Alabama: A bill (H. R. 15122) for the relief of J. W. Smart—to the Committee on War Claims.

By Mr. RICHARDSON of Tennessee: A bill (H. R. 15123) for the relief of the Baptist Church of Tullahoma, Tenn.—to the Committee on War Claims.

By Mr. RUMPLE: A bill (H. R. 15124) granting a pension to Jacob Shaeffer—to the Committee on Invalid Pensions.

By Mr. RYAN: A bill (H. R. 15125) granting an increase of pension to James R. Slayton—to the Committee on Invalid Pensions.

SENATE.

MONDAY, *June 16, 1902.*

The Senate met at 11 o'clock a. m.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. NELSON, and by unanimous consent, the further reading was dispensed with.

LAND OFFICE MAPS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting certain information authorized by the joint resolution (H. J. Res. 197) relative to the printing of United States maps prepared in the General Land Office; which, with the accompanying papers, was referred to the Committee on Printing, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3992) granting an increase of pension to David M. McKnight.

The message also announced that the House had passed with amendments the following bills:

A bill (S. 1225) granting an increase of pension to Clara W. McNair;

A bill (S. 2769) to fix the fees of United States marshals in the Indian Territory, and for other purposes;

A bill (S. 3320) granting an increase of pension to Adelaide G. Hatch;

A bill (S. 5506) granting an increase of pension to Clayton P. Van Houten; and

A bill (S. 5866) granting an increase of pension to Elizabeth A. Turner.

The message further announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 7679) granting an increase of pension to Franklin Snyder;

A bill (H. R. 12420) granting a pension to Wesley Brummett;

A bill (H. R. 12828) granting a pension to Mary E. Culver; and

A bill (H. R. 13278) granting an increase of pension to Levi H. Collins.

The message also announced that the House had passed the following bills and joint resolution:

A bill (S. 7) granting an increase of pension to William H. Thomas;

A bill (S. 332) granting an increase of pension to Louisa A. Crosby;

A bill (S. 896) granting an increase of pension to James E. McNair;

A bill (S. 1132) granting an increase of pension to R. Sherman Langworthy;

A bill (S. 1184) granting a pension to Mary Florence Von Steinwehr;

A bill (S. 1205) granting a pension to Isabella H. Irish;

A bill (S. 1458) granting an increase of pension to Linda W. Slaughter;

A bill (S. 1980) granting an increase of pension to William D. Stites;

A bill (S. 1981) granting an increase of pension to Thomas Hannah;

A bill (S. 2048) granting an increase of pension to Lewis G. Latour;

A bill (S. 2050) granting an increase of pension to Edward N. Goff;

A bill (S. 2051) granting an increase of pension to Henry W. Tryon;

A bill (S. 2265) granting an increase of pension to William Kelley;

A bill (S. 2289) granting an increase of pension to Benjamin S. Harrower;

A bill (S. 2375) granting an increase of pension to Daniel Ridinger;

A bill (S. 2653) granting an increase of pension to Joshua Weaver;

A bill (S. 2703) granting an increase of pension to James S. Myers;
A bill (S. 3032) granting a pension to Samuel J. Christopher and Jane Vickers;
A bill (S. 3041) granting an increase of pension to Emma F. Shilling;
A bill (S. 3292) granting an increase of pension to Henry Loor Reger;
A bill (S. 3552) granting a pension to John A. Reilley;
A bill (S. 3567) granting an increase of pension to Peter J. Osterhaus;
A bill (S. 3997) granting an increase of pension to Otis A. Barlow;
A bill (S. 4064) granting an increase of pension to Betsey Gum;
A bill (S. 4183) granting an increase of pension to Oceana B. Irwin;
A bill (S. 4190) granting a pension to Fredereka Seymore;
A bill (S. 4300) granting an increase of pension to Ann Comins;
A bill (S. 4509) granting an increase of pension to Robert Lemon;
A bill (S. 4709) granting a pension to Nelson W. Wade;
A bill (S. 4710) granting a pension to Anna May Hogan;
A bill (S. 4764) granting an increase of pension to Queen Esther Grimes;
A bill (S. 4783) granting an increase of pension to Mary Breckons;
A bill (S. 4912) granting an increase of pension to Maggie L. Reaver;
A bill (S. 4934) granting an increase of pension to Francis M. McAdams;
A bill (S. 5007) granting an increase of pension to James Irvine;
A bill (S. 5065) granting a pension to Jemima McClure;
A bill (S. 5080) granting a pension to Hester A. Farnsworth;
A bill (S. 5140) granting an increase of pension to Dudley Cary;
A bill (S. 5141) granting an increase of pension to Charles Barrett;
A bill (S. 5206) granting an increase of pension to John M. Wheeler;
A bill (S. 5227) granting an increase of pension to Elizabeth Whitty;
A bill (S. 5263) granting a pension to Fannie Frost;
A bill (S. 5302) granting an increase of pension to John H. Everitt;
A bill (S. 5402) granting an increase of pension to Hiram H. Thomas;
A bill (S. 5424) granting an increase of pension to Cynthia J. Shattuck;
A bill (S. 5466) granting an increase of pension to Edgar T. Chamberlin;
A bill (S. 5650) granting an increase of pension to William R. Raymond;
A bill (S. 5741) granting a pension to Martha E. Kendrick;
A bill (S. 5748) granting an increase of pension to Thomas D. Utter;
A bill (S. 5924) granting an increase of pension to Edwin Young;
A bill (S. 6021) granting an increase of pension to Esther D. Haslam;
A bill (S. 6030) authorizing the Newport Bridge, Belt and Terminal Railway Company to construct a bridge across the White River in Arkansas;
A bill (S. 6040) granting an increase of pension to John W. Craine; and
A joint resolution (S. R. 105) supplementing and modifying certain provisions of the Indian appropriation act for the year ending June 30, 1903.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FOSS, Mr. DAYTON, and Mr. MEYER of Louisiana managers at the conference on the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:
A bill (H. R. 305) granting an increase of pension to George Heinzman;
A bill (H. R. 636) granting an increase of pension to Benjamin S. Bogardus;
A bill (H. R. 931) granting a pension to Hulda A. Clark;
A bill (H. R. 1274) granting an increase of pension to Mary E. Fleming;
A bill (H. R. 1347) granting an increase of pension to Charles H. Webb;
A bill (H. R. 1456) granting a pension to William G. Miller;
A bill (H. R. 1530) granting an increase of pension to Eliza A. Rickards;
A bill (H. R. 1531) granting an increase of pension to Susan E. Duncan;
A bill (H. R. 1928) granting an increase of pension to James Wilkinson;
A bill (H. R. 2243) granting an increase of pension to George W. Mathews;
A bill (H. R. 2409) granting a pension to Mary J. Markel;
A bill (H. R. 2483) granting a pension to James A. Clifton;
A bill (H. R. 2497) to correct the military record of John P. Evans;
A bill (H. R. 3304) granting an increase of pension to William Burke;
A bill (H. R. 3513) granting increase of pension to James W. Young;
A bill (H. R. 3672) granting a pension to Emily S. Barrett;
A bill (H. R. 3745) granting an increase of pension to George Kerr;
A bill (H. R. 3825) granting an increase of pension of Lizzie I. Rich;
A bill (H. R. 3982) granting an increase of pension to Alonzo Carpenter;
A bill (H. R. 4170) granting an increase of pension to Henry P. Macloon;
A bill (H. R. 4952) granting a pension to Abult D. Rutherford;
A bill (H. R. 5758) granting an increase of pension to Newton W. Elmendorf;
A bill (H. R. 5869 (granting an increase of pension to Benjamin White;
A bill (H. R. 5907) granting a pension to David S. Taylor;
A bill (H. R. 5920) granting a pension to Washington T. Filson;
A bill (H. R. 5960) granting an increase of pension to Lambert Johnston;
A bill (H. R. 6005) granting a pension to James A. Chalfant;
A bill (H. R. 6009) granting a pension to Absolum Maynard;
A bill (H. R. 6031) authorizing the payment of part of the pension of Ira Steward to Adell Augusta Steward;
A bill (H. R. 6332) granting a pension to Michael Conlon;
A bill (H. R. 6405) removing the charge of desertion from the record of William Harig;
A bill (H. R. 6656) granting a pension to Samantha Yant;
A bill (H. R. 6968) granting a pension to Cappie King;
A bill (H. R. 6970) granting an increase of pension to Monora Stinson;
A bill (H. R. 7013) granting an increase of pension to Jason E. Freeman;
A bill (H. R. 8005) granting a pension to Samantha A. Newcomb;
A bill (H. R. 8023) granting an increase of pension to John Downing;
A bill (H. R. 8447) granting an increase of pension to John McArthur;
A bill (H. R. 8542) granting an increase of pension to Parmenus F. Harris;
A bill (H. R. 9016) granting an increase of pension to Jane Brosnan;
A bill (H. R. 9153) granting an increase of pension of John D. Binford;
A bill (H. R. 9154) granting an increase of pension to Lillie V. Ball;
A bill (H. R. 9402) granting an increase of pension to Alexander Curd;
A bill (H. R. 9611) granting a pension to Maria M. C. Smith;
A bill (H. R. 9691) granting an increase of pension to James H. Joseph;
A bill (H. R. 9807) granting an increase of pension to Hiram Janes;
A bill H. R. 9988) granting a pension to Calvin W. Clark;
A bill (H. R. 10005) granting an increase of pension to William A. Henderson;
A bill (H. R. 10214) granting an increase of pension to Henry Thomas;
A bill (H. R. 10263) granting an increase of pension to Daniel J. Byrnes;
A bill (H. R. 10325) granting an increase of pension to Joseph Stonesifer;
A bill (H. R. 10329) granting a pension to Mary E. Aitken;
A bill (H. R. 10394) granting a pension to William H. Ruggles;
A bill (H. R. 10876) granting an increase in the pension to Joseph Mote;
A bill (H. R. 10964) granting an increase of pension to Francis M. Beebe;
A bill (H. R. 11171) granting a pension to Elizabeth A. Nalley;
A bill (H. R. 11258) granting a pension to William F. Randolph;
A bill (H. R. 11286) granting a pension to Ellen F. Pook;
A bill (H. R. 11485) granting a pension to Julia McCarthy;
A bill (H. R. 11579) granting an increase of pension to John A. Wright;

A bill (H. R. 11979) granting an increase of pension to William W. Anderson;
A bill (H. R. 12026) granting an increase of pension to Baley W. Small;
A bill (H. R. 12039) granting an increase of pension to Nelson Brown;
A bill (H. R. 12056) granting an increase of pension to Warren C. Plummer;
A bill (H. R. 12103) granting an increase of pension to Henry Hale;
A bill (H. R. 12132) granting an increase of pension to Allen C. Davis;
A bill (H. R. 12155) granting an increase of pension to Joseph W. Robertson;
A bill (H. R. 12563) granting an increase of pension to Horace Fountain;
A bill (H. R. 12700) granting an increase of pension to Eberhard P. Lieberg;
A bill (H. R. 12745) granting an increase of pension to Edmond Likes;
A bill (H. R. 12902) granting a pension to Julia Lee;
A bill (H. R. 12921) granting an increase of pension to Mary E. Lemert, now Adams;
A bill (H. R. 13150) granting a pension to James B. Mahan;
A bill (H. R. 13297) granting a pension to Martin Greeley;
A bill (H. R. 13324) granting an increase of pension to John J. Cross;
A bill (H. R. 13367) granting an increase of pension to Jonathan Walbert;
A bill (H. R. 13411) granting an increase of pension to Clarence D. Hess;
A bill (H. R. 13449) granting an increase of pension to Mary A. E. Scott;
A bill (H. R. 13457) granting an increase of pension to John S. Crosser;
A bill (H. R. 13463) granting an increase of pension to Hiram A. Hober;
A bill (H. R. 13468) granting an increase of pension to Joseph S. Mess;
A bill (H. R. 13510) granting an increase of pension to James P. Thomas;
A bill (H. R. 13547) granting a pension to David B. Wood;
A bill (H. R. 13565) granting a pension to Mary V. Scriven;
A bill (H. R. 13598) granting a pension to John J. Southerland;
A bill (H. R. 13612) granting a pension to Margaret Bell;
A bill (H. R. 13617) granting an increase of pension to Anne M. Luman;
A bill (H. R. 13621) granting an increase of pension to Anson Greenman;
A bill (H. R. 13634) granting an increase of pension to Helen Olivia Leckie;
A bill (H. R. 13690) granting an increase of pension to Freeman R. Gove;
A bill (H. R. 13722) granting a pension to Edd Lodge;
A bill (H. R. 13815) granting an increase of pension to James J. Wilson;
A bill (H. R. 13848) granting an increase of pension to James H. Chedester;
A bill (H. R. 13943) granting an increase of pension to Charles M. Grainger;
A bill (H. R. 14024) granting an increase of pension to John R. Curry;
A bill (H. R. 14042) granting an increase of pension to George W. Edgington;
A bill (H. R. 14067) granting an increase of pension to John Wright;
A bill (H. R. 14098) granting an increase of pension to Albert M. Scott;
A bill (H. R. 14136) granting an increase of pension to John D. Thompson;
A bill (H. R. 14140) granting an increase of pension to Henry Hunterson;
A bill (H. R. 14182) granting an increase of pension to Susan B. Lynch;
A bill (H. R. 14206) granting a pension to Mary J. Moore;
A bill (H. R. 14273) granting a pension to John H. Whidden;
A bill (H. R. 14274) granting a pension to Charles Moyer;
A bill (H. R. 14312) granting an increase of pension to John W. Huckelberry;
A bill (H. R. 14355) granting an increase of pension to Timothy Donohoe;
A bill (H. R. 14377) granting an increase of pension to Jennette Stewart;
A bill (H. R. 14381) granting an increase of pension to George Riddle;
A bill (H. R. 14383) to validate certain acts of the legislative assembly of the Territory of New Mexico with reference to the issuance of certain bonds;
A bill (H. R. 14416) granting an increase of pension to Albert H. Phillips;
A bill (H. R. 14421) granting an increase of pension to John Q. A. Rider;
A bill (H. R. 14477) granting a pension to John Bruff;
A bill (H. R. 14478) granting an increase of pension to Luman Fuller;
A bill (H. R. 14592) granting an increase of pension to Benjamin F. Barrett;
A bill (H. R. 14656) granting an increase of pension to Charles A. Scott;
A bill (H. R. 14687) granting a pension to Margaret Brennan;
A bill (H. R. 14701) granting a pension to Mary A. Peters;
A bill (H. R. 14732) granting an increase of pension to Grace M. Read;
A bill (H. R. 14774) granting a pension to John C. Clarke;
A bill (H. R. 14784) granting a pension to Johniken L. Mynatt;
A bill (H. R. 14813) granting a pension to William Mennecke;
A bill (H. R. 14814) granting a pension to Herman J. Miller;
A bill (H. R. 14836) granting a pension to Rebecca L. Chambers; and
A bill (H. R. 14837) granting a pension to John H. Roberts.

The foregoing House pension bills were subsequently read twice by their titles, and referred to the Committee on Pensions.

The bill (H. R. 14919) relating to the allowance of exceptions was read twice by its title and referred to the Committee on the Judiciary.

The bill (H. R. 15004) to authorize the Minneapolis, Superior, St. Paul and Winnipeg Railway Company, of Minnesota, to build and maintain a railway bridge across the Mississippi River was read twice by its title and placed on the Calendar.

PETITIONS AND MEMORIALS.

Mr. KEAN presented a petition of Iron Molders' Local Union No. 99, of Bridgeton, N. J., praying for the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented petitions of the Burlington County Retail Liquor Dealers and Hotel Keepers' Protective Association, of Mount Holly, and of sundry citizens, all in the State of New Jersey, praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which were referred to the Committee on Finance.

He also presented petitions of the Lincoln Club, of Paterson, and of Journeymen Barbers' Local Union No. 381, of Hoboken, in the State of New Jersey, praying for the enactment of legislation increasing the compensation of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. DOLLIVER presented a petition of the Tri-City Labor Congress, of Clinton, Iowa, praying for the enactment of legislation to increase the compensation of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the board of directors of the Citizens' National Bank, of Davenport, Iowa, praying for the enactment of legislation reducing the limit of population for reserve cities to 25,000 instead of 50,000; which was referred to the Committee on Finance.

He also presented a petition of Wesley Harding Post, No. 384, Grand Army of the Republic, Department of Iowa, of New London, Iowa, praying for the enactment of legislation to modify and simplify the pension laws; which was referred to the Committee on Pensions.

He also presented petitions of United Mine Workers' Local Union No. 201, of Brazil; of United Mine Workers' Local Union No. 1721, of Hilton; of Esther Lodge No. 352, Brotherhood of Railroad Trainmen, of Estherville, and of Local Union No. 553, United Mine Workers of America, of Centerville, all in the State of Iowa, praying for the passage of the so-called Grosvenor anti-injunction bill; which were ordered to lie on the table.

Mr. CLAY. I present a memorial of the Chamber of Commerce of Atlanta, Ga., and also a memorial adopted by the Atlanta Freight Bureau, of Atlanta, Ga., remonstrating against what is known as the Elkins bill, legalizing the pooling of freight. I ask that the memorials be printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the memorials were referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD, as follows:

Memorial adopted by the directors of the Atlanta Chamber of Commerce June 13, 1902.

Whereas Senator ELKINS has introduced in the United States Senate a bill which legalizes pooling of freight by the railroads of this country, which we believe would be greatly to the disadvantage of both shippers and producers: Therefore, be it

Resolved, That the directors of the Atlanta Chamber of Commerce are opposed to the passage of said bill, and the secretary is instructed to write our Senators and Representatives in Congress, asking them to use their best efforts for the defeat of the measure.

Resolved further, That the secretary be instructed to communicate this

action of the directors to other boards of trade and commercial bodies in this section and request them to take the same action.

Memorial adopted by the Atlanta Freight Bureau June 10, 1902.

Whereas, our attention having been called to a bill now pending in the United States Senate known as the Elkins bill, the purpose of which being to legalize pooling of freight by the railroads of this country, which we believe would be greatly to the disadvantage of both shippers and producers: Therefore, be it

Resolved, That the Atlanta Freight Bureau is opposed to the passage of said bill, and its traffic manager is hereby instructed to write Senators A. O. BACON and A. S. CLAY and Congressman L. F. LIVINGSTON, requesting them to use their best efforts toward the defeat of said bill.

CRIMINAL, PAUPER, AND DEFECTIVE CLASSES.

Mr. CLAPP. I present a paper, being a publication by Dr. Arthur MacDonald, specialist in the United States Bureau of Education, Washington, D. C., on the study of man and abnormal man with reference to bills to establish a laboratory for the study of the criminal, pauper, and defective classes. By mistake a part of the matter was omitted in Senate Document No. 400, this Congress, and I move that a reprint of that document be ordered and that this additional matter be included.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. BURNHAM, from the Committee on Claims, to whom was referred the bill (S. 3354) for the relief of G. W. Ratleff, reported it without amendment, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Claims, to whom was referred the bill (S. 5950) for the relief of Henry O. Bassett, heir of Henry Opeman Bassett, deceased, reported it without amendment, and submitted a report thereon.

Mr. ALDRICH, from the Committee on Finance, to whom was referred the bill (H. R. 13204) to provide for refunding taxes paid upon legacies and bequests for uses of a religious, charitable, or educational character, for the encouragement of art, etc., under the act of June 13, 1898, reported it with an amendment.

Mr. FORAKER, from the Committee on Pacific Islands and Porto Rico, submitted a report to accompany the amendment heretofore reported by him from that committee and referred to the Committee on Appropriations proposing to appropriate $1,000,000 to pay in part the judgments rendered under act of the legislative assembly of the Territory of Hawaii by the Fire Claims Commission of that Territory for property destroyed in the suppression of the bubonic plague in that Territory in the years 1899 and 1900, intended to be proposed to the general deficiency appropriation bill.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (H. R. 14411) to regulate commutation for good conduct for United States prisoners, reported it without amendment.

PROTECTION OF THE PRESIDENT.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom were referred the amendments of the House of Representatives to the bill (S. 3653) for the protection of the President of the United States, and for other purposes, to report them back and recommend that the Senate nonconcur in the House amendments, and ask for a conference.

The PRESIDENT pro tempore. The Senator from Massachusetts moves that the Senate nonconcur in the amendments of the House of Representatives to the bill and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate: and Mr. HOAR, Mr. FAIRBANKS, and Mr. PETTUS were appointed.

BILLS INTRODUCED.

Mr. MCENERY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6168) for the relief of the estate of Joseph Gradengo, deceased;

A bill (S. 6169) for the relief of Alphonse Meuillon;

A bill (S. 6170) for the relief of Lucien Meuillon;

A bill (S. 6171) for the relief of Martin Guillory;

A bill (S. 6172) for the relief of Jean Baptiste Lazare;

A bill (S. 6173) for the relief of the estate of Alexander Lemelle, deceased; and

A bill (S. 6174) for the relief of the estate of Rigobert Lemelle, deceased.

Mr. BLACKBURN introduced a bill (S. 6175) for the relief of the legal representatives of Warren Mitchell, deceased; which was read tiwce by its title, and referred to the Committee on Claims.

Mr. PETTUS introduced a bill (S. 6176) for relief of Mrs. A. E. Hardin; which was read twice by its title, and referred to the Committee on Claims.

Mr. MASON introduced a bill (S. 6177) to provide for holding an exposition in the city of Chicago from August 14 to September 14, 1902, for the purpose of endowing the Home for the Aged and Infirm Colored People, and showing the progressive growth of the negro since emancipation; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. QUARLES introduced a bill (S. 6178) to amend secttion 4 of an act entitled "An act to provide for a permanent Census Office," approved March 6, 1902; which was read twice by its title, and referred to the Committee on the Census.

Mr. MALLORY introduced a bill (S. 6179) granting a pension to Green W. Hodge; which was read twice by its title, and referred to the Committee on Pensions.

DONATION OF CONDEMNED CANNON.

Mr. CLAPP. I introduce a joint resolution and ask that it be read.

The joint resolution (S. R. 117) authorizing the Secretary of War to deliver to Acker Post, Grand Army of the Republic, of St. Paul., Minn., 2 condemned cannon and 16 cannon balls for ornamenting burial grounds of deceased soldiers in that city, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the Secretary of War be, and he hereby is, authorized to deliver, if the same can be done without detriment to the Government, 2 condemned cannon and 16 cannon balls to Acker Post, No. 21, Department of Minnesota, Grand Army of the Republic, St Paul, Minn., for the purpose of ornamenting burial grounds of deceased soldiers in said city.

Mr. CLAPP. I ask that the joint resolution may lie on the table.

The PRESIDENT pro tempore. Should it not be referred to the Committee on Military Affairs?

Mr. CLAPP. Let it lie on the table. I would rather get the views of the Department at once, and then it can be taken up. It is a small matter, and there can be no question about it if the Department recommends it. If that can be done I should prefer that it be not referred to the committee.

The PRESIDENT pro tempore. The ordinary way is for the committee to refer it to the Department and the committee receives a reply, and then reports the bill.

Mr. CLAPP. I have found by experience that I can do that myself in about half the time.

The PRESIDENT pro tempore. The Senator from Minnesota asks that the joint resolution may lie on the table. Is there objection? The Chair hears none.

PAYMENTS FROM CUBAN FUNDS.

Mr. TELLER. I submit a resolution and ask for its immediate consideration.

The resolution was read, as follows:

Whereas it seems impracticable to prepare during this session of Congress an itemized statement showing the collection and disbursement of all funds for the whole period of the military occupation of Cuba; and

Whereas it is important that a statement be now made of the accounts hereafter named: Therefore, be it

Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate the following:

A full itemized statement of all payments made out of Cuban funds to any persons or corporations, if any, for the purpose of promoting "reciprocity" between the United States and Cuba, at any time during the military occupation of Cuba by the United States, and whether such payments were authorized or approved by the Secretary of War.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. KEAN. Let it go over.

The PRESIDENT pro tempore. It will go over under the rule.

JOHN H. LAUCHLY.

Mr. DEBOE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8840) granting an increase of pension to John H. Lauchly, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

WM. J. DEBOE,
N. B. SCOTT,
PARIS GIBSON,
Managers on the part of the Senate.
HENRY R. GIBSON,
RUD. KLEBERG,
S. W. SMITH,
Managers on the part of the House.

The report was agreed to.

DAVID M. M'KNIGHT.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3992) granting an increase of pension to David M. McKnight, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the sum proposed, insert "twenty-four;" and the House agree to the same.

J. H. GALLINGER,
WILLIAM J. DEBOE,
Managers on the part of the Senate.
A. B. DARRAGH,
E. S. HOLLIDAY,
Managers on the part of the House.

The report was agreed to.

NAVAL APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist upon its amendments and agree to the conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. HALE, Mr. PERKINS, and Mr. TILLMAN were appointed.

CLARA W. M'NAIR.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1225) granting an increase of pension to Clara W. McNair; which was, in line 8, before the word "dollars," to strike out "fifty" and insert "forty."

Mr. GALLINGER. I move that the Senate disagree to the amendment of the House of Representatives and ask for a conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. DEBOE, and Mr. TALIAFERRO were appointed.

CLAYTON P. VAN HOUTEN.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 5506) granting an increase of pension to Clayton P. Van Houten; which was, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty."

Mr. GALLINGER. I move that the Senate disagree to the amendment of the House of Representatives and request a conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. MCCUMBER, Mr. SCOTT, and Mr. TURNER were appointed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 13th instant approved and signed the following acts:

An act (S. 3800) to grant certain lands to the State of Idaho;

An act (S. 4071) granting an increase of pension to George C. Tillman; and

An act (S. 4927) granting an increase of pension to Hattie M. Whitney.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 2497) to correct the military record of John P. Evans; and

A bill (H. R. 6405) removing the charge of desertion from the record of William Harig.

The bill (H. R. 14383) to validate certain acts of the legislative assembly of the Territory of New Mexico with reference to the issuance of certain bonds was read twice by its title, and referred to the Committee on Territories.

The bill (H. R. 14919) relating to the allowance of exceptions was read twice by its title, and referred to the Committee on the Judiciary.

MISSISSIPPI RIVER BRIDGE IN MINNESOTA.

The PRESIDENT pro tempore laid before the Senate the bill (H. R. 15004) to authorize the Minneapolis, Superior, St. Paul and Winnepeg Railway Company, of Minnesota to build and maintain a railway bridge across the Mississippi River, which was read twice by its title.

Mr. NELSON. There is a similar bill on the Calendar of the Senate, and I ask that this bill may take the place of the bill on the Calendar.

The PRESIDENT pro tempore. Without reference to a committee?

Mr. NELSON. Yes. There is a Senate bill exactly like it on the Calendar.

The PRESIDENT pro tempore. Does the Senator know that the House bill is identical with the Senate bill?

Mr. NELSON. It is an identical bill. I know it.

The PRESIDENT pro tempore. The Senator from Minnesota asks unanimous consent that instead of House bill 15004 being referred to a committee, it may take the place of an exactly like measure, the bill (S. 6079) to authorize the Minneapolis, Superior, St. Paul and Winnepeg Railway Company, of Minnesota, to build and maintain a railway bridge across the Mississippi River, reported from the Committee on Commerce and now on the Calendar. Is there objection? The Chair hears none, and it is so ordered, and Senate bill 6079 will be indefinitely postponed.

LONDON DOCK CHARGES.

The PRESIDENT pro tempore. The Chair lays before the Senate Senate bill 1792.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1792) to amend an act entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property."

Mr. MCCUMBER. Mr. President, the last time this matter was before the Senate, those in favor of the bill desired the opponents to give some reason so that we could see what opposition, if any, the companies have against the proposed measure. I have listened to the arguments during the several days the bill has been before the Senate, but I confess I have heard nothing whatever as a defense to the proposition made by the bill brought in by the Senator from Minnesota.

We have been passing around the hat here for several days for a single fact in opposition to the proposition which is made. The conservative Senator from Connecticut [Mr. PLATT] simply bases his opposition upon the ground that we should go slowly; that we should be careful; that we might be infringing unlawfully upon the right to make contracts. In this he seems to be seconded by the Senator from Maine [Mr. HALE], but there has been nothing given to us from which we could see that we are running on dangerous ground or that we are liable to bring up any matter that will be harmful to the interests even of the companies themselves.

Mr. President, I can not see that this measure affects the question of the liberty of contract in any way whatever. It is one of the most common propositions in the world that any sovereign state or government has a right to determine what acts are against the public policy of that state. We have done it in our navigation laws before. I see no reason why we can not do the same thing in reference to them to-day. In every one of our States we have laws declaring what may be lawful in warehouse contracts, declaring what shall be unlawful in reference to provisions relative to public warehouses. We have the same even in reference to attorneys' charges, so that in most of our States it is unlawful in foreclosures of mortgages and otherwise to contract for a higher than a certain rate or percentage upon the amount involved.

Mr. President, Congress has supervisory power over interstate commerce and over foreign commerce. In its supervisory powers it certainly has authority to determine what is a discrimination. Congress is met to-day with these conditions. Here are certain companies that will take a load of lumber from, say, Duluth, through the lakes, through the North Atlantic ports to London and make certain charges over and above the freight charges. Another ship of the same company will take another load of lumber to Liverpool and they will not make those charges. Not only that, but the same company may send one of its vessels down to the Gulf ports and take another load of lumber from there and they will make no charges. Not only that, but we are met with a proposition which I do not understand is denied, that they will take lumber or grain to some ports and make no charges whatever for delivery, while when they take it to the port of London, although they load it on lighters and there is not one cent of expense in addition connected with it, they will nevertheless make a charge.

Mr. President, this bill simply prohibits that from being done. It prohibits it on the ground that it is the duty of Congress to prevent discrimination in ocean freight rates, and if this is not a discrimination I certainly would be pleased to have any Senator here explain to me what other mild name he would give to it. If it is a discrimination in our foreign commerce, there is no question about the right of the Government to deal with it, and, having that right, it seems to me but just and proper to make an absolute prohibition against it.

I should like to have anyone explain any sound reason why these freights, which are a discrimination between different ports of the United States and which are a discrimination between different foreign ports, in reference to our goods that are taken there, should not be eliminated from all contracts pertaining to ocean transportation. If there is any good reason to be given, I believe the Senate would like to hear it. If there is not, I certainly should feel disposed to vote for the proposition that is contained in the bill.

Mr. NELSON. Mr. President, I desire to repeat some of the things I have stated before. We come before the Senate asking for this relief in behalf of the shippers and producers of this country. I will state the grounds for our demand that relief be given.

First. By the general rules of maritime law the charge of

freight or the contract of affreightment, as it is called in legal parlance, the freight paid, covers not only the carriage of the goods, but their delivery. This is the general rule of maritime law applying in all cases. But by the custom and law prevailing at the port of London this matter is further strengthened and emphasized by the fact that under the law and regulations governing that port consignees are entitled to a free delivery of the goods on board of lighters and boats in the river, and if the steamship company, for their own convenience, instead of discharging the cargo direct by the side of the barges and lighters, see fit first to place it on the dock and then from the dock back into lighters again, in that case the law still provides that they must do it without any special charge.

As I stated before, there is something peculiar about the port of London. In all other ports when goods are landed on the dock from steamship companies they are carried away by land carriage. But in the port of London, which I may in brief say is a water port, of the goods landed on the docks the bigger share of them are immediately put back on barges and lighters for distribution in the city. The report of Mr. Choate as well as the hearings before the committee show that upwards of 75 or 76 per cent of all the goods discharged on the docks are taken immediately back on barges and lighters for distribution.

This charge of the steamship companies that they impose is not for the handling of the goods on the dock. It is for discharging the goods on the dock and putting them back on the lighters. If the goods are left on the dock by the steamship company and not put back into lighters, then they are subject to a charge of the dock company, and this bill does not interfere with that matter at all. If the consignment of flour, lumber, corn, oats or anything is discharged and left on the dock and not put back into barges and lighters it becomes subject to the charges of the dock company, which vary according to the commodity from 3s. 6d. up to 5s. a ton.

This bill does not propose to meddle with that. We simply insist that for the service of discharging cargo from the vessel on the dock and there back on the lighters the steamship companies shall not insist and claim an arbitrary and fixed charge. We say that that service is a part of the freight for which they are paid when they are paid for carrying the cargo. All we ask is to be put upon a footing of equality with all other consignments of goods by water to the port of London. Over 76 per cent of the goods entering the port of London by steamship companies are not subject to this charge. It is only found in the bills of lading of the steamship companies plying in the North Atlantic trade; that is, the ports of the Atlantic. It does not include even the Gulf ports.

If this clause was not inserted in the bills of lading that charge could not be enforced in London; the consignee or shipper would not be subject to the charge. But their courts over there hold that because the bill of lading contains that clause it overrides the common law and the act of Parliament, or, as the court puts it, they contract themselves outside of the common law and the act of Parliament.

The Senator from Connecticut [Mr. PLATT] said the other day that people ought to have the liberty to make such contracts as they see fit. As a general proposition I agree to that—there ought not to be any rule or regulation interfering with them; but where there is a combination among all the steamship lines plying in this trade, an ironclad trust or combination, the shippers are entirely helpless. They have got to accept that bill of lading or retain their goods. They are utterly and entirely at the mercy of the steamship companies.

We have many instances where the courts or where Congress turns in to relieve people against such combinations. Under the general power given Congress to regulate commerce, Congress has the power to regulate the instrumentalities of commerce. We have as much right to say in this instance, as we did at the time the Harter law was enacted, that these contracts shall not be valid. In the Harter law we forbade them to insert clauses in the bill of lading exonerating themselves from liability for their own negligence or the negligence of their servants. We said that a bill of lading containing any such exemption should be null and void, and here we ask that a bill of lading containing this London clause shall be null and void; that is, the London clause itself, not the rest of the bill of lading. We are applying exactly the same measure of relief, acting upon the same constitutional theory and on the same constitutional ground, as we did in the case of the Harter law.

It was not seriously contended before the Committee on Commerce, in fact, it was not intimated, that we had not the constitutional right and power to pass this legislation.

I want to call the attention of the Senator from New Hampshire [Mr. GALLINGER] to one fact. When this bill was before the Committee on Commerce—and I think it was there in all from first to last over two months, and we had a great many hearings—nothing of the kind was insisted upon as the Senator himself insists upon. I remember very well the other day how indignant the Senator got because the Senator from Arkansas intimated that the friends of the steamship companies had been very active in this matter. The Senator from New Hampshire got up very warmly and insisted that no one had approached him on the subject. The Senator was mistaken about one fact, and in that he was quite excusable. He was mistaken in the fact that there had been no hearings or no arguments made in behalf of the shipping interests before the committee.

Evidently—and I say it without intending to reflect on the Senator from New Hampshire in the least—evidently somebody has handed him that bill of lading which he brought here before the Senate. Who it was I do not know. There is one peculiarity about that bill of lading. It is in French. It is dated the 1st or 2d of February, 1902. It is in print and then diagonally across it in a rubber stamp, in purple, they have got a signed clause in similitude of the London clause. That is brought in here at this time, when we heard nothing of the kind before the committee. There was no intimation in any hearing before the committee that there was any such bill of lading used by the Oriental Steamship Company; but it is brought in here through the Senator from New Hampshire. I do not refer to this for the purpose of criticising the Senator. I know he is acting in good faith. I have not the least bit of fault to find with him. I only refer to this matter incidentally. I think, with all due respect to the Senator, he has been imposed upon, and that that bill of lading has been fixed up for the occasion, because we never heard of it before.

Mr. GALLINGER. Mr. President——

Mr. NELSON. But I acquit the Senator, as I said, of any intentional purpose here in this case to mislead the Senate. I think he is badly misled, as I was, and the rest of us.

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from New Hampshire?

Mr. NELSON. Certainly.

Mr. GALLINGER. I am somewhat astonished at the statements of the Senator from Minnesota. I would ask the Senator if he has any proof whatever that that bill of lading is not a legitimate bill of lading and that the impress on the face of it is not a genuine impress. The Senator intimates that there has been some fraud perpetrated. Mr. President, it is easy to make a charge of that kind. I should like to ask the Senator if he has the least earthly proof to sustain the allegation of fraud.

Mr. NELSON. My proof is only circumstantial. What proof has the Senator that that rubber-stamp clause on it is a genuine thing? I say to the Senator from New Hampshire that my circumstantial evidence is this: That the steamship companies were represented by their agents and attorneys—able men—and they covered every point of the case. He will find that in no case did the Oriental Steamship Company make any such claim as is claimed by this bill of lading.

Now, I do not want the Senator from New Hampshire to misapprehend me. I am not criticising him or finding any fault with his conduct in the matter—I think he has acted in good faith in the matter—but I am simply giving my candid opinion on that subject.

I see that the Senator from Massachusetts [Mr. HOAR] is not here, but I shall refer to nothing personal, so that it does not make any difference. The Senator from Massachusetts offered an amendment the other day which would absolutely destroy the bill. It would take the heart out of it. Every friend of this measure who believes in giving us relief ought to vote down that amendment. The Senator in that amendment insists, among other things, that there are expenses which the steamship company incurs in discharging the cargo that ought to be open to contract and an agreement to be paid.

What would the Senator from Massachusetts think if, upon a consignment of goods from Boston to Springfield of railroad freight, the railroad company were to impose an extra charge for placing the goods on the depot platform and also delivering them back into the carts and drays? They might just as well insert in the bill of lading of freight carried by railroads a clause requiring the shipper to pay a given amount of freight from Boston to Springfield, and then an additional amount for landing those goods on the platform and for delivering them from the platform of the railroad depot back into the train or the conveyance that takes them away.

We ask for this legislation, Mr. President, to be put exactly on a par with the other countries in the port of London. That is all the relief we ask in this case. Why should American products and American goods be penalized in the port of London? Why should the steamship companies oppose this if it was not because there is, to use a slang phrase, a big rake-off in it?

Mr. President, I shall not take up the time of the Senate any further than simply to state that the two amendments, the one offered on behalf of the junior Senator from Massachusetts [Mr.

LODGE] and the one offered by the senior Senator from Massachusetts [Mr. HOAR], are utterly destructive and would destroy this bill. If those amendments should be incorporated in the bill, they would render it utterly useless. They would utterly destroy all the vitality and force of the bill, and it would give no relief in the cases where relief is desired.

Mr. HOAR. Mr. President, I do not want to delay so important a measure at this late stage of this important session, but I wish very much that it might not be disposed of until my colleague returns. My colleague will be here, I suppose, to-day. He has conferred with very important interests in this matter in Massachusetts which are affected by the bill. I gave such attention to it as I did the other day because of my colleague's absence. I undertook to look into the matter and spoke to him about it and found he was looking after it. He went away quite overworked. As the Senate knows very well, he has had charge of very important matters indeed during the session. I suggest that the bill go over until to-morrow. I see there are but three Senators in their seats on one side of the Senate and very few on the other.

Mr. NELSON. Mr. President, I trust this bill will not be delayed. The bill has been on the Calendar since early in March. I have for three months persistently tried to get consideration for it, and I trust we can dispose of the bill in some way this morning.

The PRESIDENT pro tempore, The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. GALLINGER rose.

Mr. HOAR. I made the request. I know it is pretty unreasonable to ask a Senator when a bill is once up to displace it in any way. If it is going to be debated, I will not press the request. I thought it might be debated to-morrow instead of to-day.

Mr. GALLINGER. I rise simply to say, Mr. President, that I have had no disposition to obstruct the consideratian of this bill. I think there is a great deal of misinformation about it, and I confess myself to not fully understanding what is aimed at in this measure. I think it ought to be discussed further on both sides. The Senator from Maine [Mr. HALE], who is not present——.

Mr. CULLOM. He is here.

Mr. GALLINGER. I beg pardon. That, then, obviates the necessity of my saying what I was going to submit. The Senator from Maine has I think, more particularly knowledge of the matter than some of the rest of us, and as he has offered some amendments I hope that they will be carefully considered.

I have only this to say: That the Senator from Minnesota, in season and out of season, has contended, and contended this morning, that this measure relates only to the port of London. Now, Mr. President, the Senator from Maine has offered an amendment restricting the measure to the port of London. I will ask the Senator from Minnesota if he is prepared to accept that amendment?

Mr. NELSON. Which amendment?

Mr. GALLINGER. Restricting it to the port of London, the amendment the Senator from Maine offered two or three days ago.

Mr. NELSON. I want to be as candid with the Senator as though I was in a camp meeting among Christian brethren. I have not anything to conceal. The only place we aim to get relief at in this case is against these iniquitous charges in the port of London.

Mr. GALLINGER. Mr. President——

Mr. NELSON. I wanted to make an explanation. I thought the Senator was through.

Mr. GALLINGER. I shall be glad to get it. I asked the Senator the question, whether he is prepared to accept the amendment of the Senator from Maine.

Mr. NELSON. I was going to make a statement on that subject, but if the Senator is not through I will yield to him.

Mr. GALLINGER. I shall be glad to yield for that purpose.

Mr. NELSON. I was going to state to the Senator the difficulties I have in mind. There are two things that occur to me in reference to the matter. First, would a bill of that kind, limiting it expressly to one port by name, be constitutional and valid? Would it not be held as a species of special legislation that could not be sustained by the courts?

Now, while the bill is general in its terms, not naming any particular port, it is special in this, that it defines certain classes of conditions, and aims to get relief against certain conditions that exist nowhere else except in the port of London. It aims to protect shippers against the imposition imposed by steamship companies such as are imposed by the London clause and nowhere else. It does not aim at any other case, I will say. I have looked into this matter, and I do not know of another port in the world, and none was brought to the attention of the committee, as you know, Mr. President, where the law and conditions are the same as in the port of London.

Now, another matter. This amendment limiting it to the port of London simply contains that provision. As it is incorporated in the bill it becomes a part of the Harter law. Section 5 of that law contains a limited penal clause providing for a fine in case they violate the law.

Let me ask the Senator from New Hampshire if he would be willing to admit that section of the Harter law in here as supplemental to this? I will read it. I want to say further, and I submit it to the consideration of the lawyers of the Senate, if a law limiting it in express terms to the port of London is constitutional and valid, that will be satisfactory to me. I should have no objection to limiting it to the port of London. This legislation does not aim at any other port at all.

The Harter law, to which this bill is amendatory, has the following section:

SEC. 5. That for a violation of any of the provisions of this act the agent, owner, or master of the vessel guilty of such violation, and who refuses to issue on demand the bill of lading herein provided for, shall be liable to a fine not exceeding $2,000. The amount of the fine and costs for such violation shall be a lien upon the vessel whose agent, owner, or master is guilty of such violation, and such vessel may be libeled therefor in any district court of the United States within whose jurisdiction the vessel may be found. One-half of such penalty shall go to the party injured by such violation and the remainder to the Government of the United States.

Now, that is a part of the Harter law. The Harter law, as the Senator from New Hampshire remembers, prohibits their inserting certain clauses in the bill of lading and puts in that penalty. In the form in which the bill is it becomes a part of the Harter law and that section 5 would apply, but if you have it in an independent form, as this amendment is offered, it would not apply and there would be no penal clause to it.

Mr. GALLINGER. I will say for myself, in answer to the interrogatory of the Senator from Minnesota, I am quite willing to have that penal clause attached to the amendment offered by the Senator from Maine, and I trust the Senator from Maine will agree to it. The purpose of the amendment is not to amend the Harter Act, which relates to an entirely different subject, but to have an independent measure denying to a steamship company the right to put this covenant or agreement in their bills of lading as relates to the port of London.

I am very fully satisfied myself, Mr. President, that if that is done the men who are now complaining through the Senator from Minnesota will be glad to make terms within twelve months with the steamship companies, because it is a well-known fact that the large steamship companies can not unload as the small steamships used to do, and there will necessarily be charges that will be more onerous, in my judgment, upon the shippers than the shipper has to pay under that covenant or agreement.

I think it is proper that there should be a penal clause attached to the amendment the Senator from Maine has offered to the bill, and I certainly will cordially agree to it if the Senator from Maine will agree to it.

Mr. PLATT of Connecticut. Mr. President, my attention was diverted for a moment. I did not understand the proposition which was made by the Senator from Minnesota about a penal clause.

Mr. NELSON. I did not make any definite proposition. I said that if the bill is amended that penal clause ought to be put in. I still doubt the constitutional validity of an act that would expressly name one port.

Mr. PLATT of Connecticut. It seems to me that there is a very great difference between the Harter Act, if I understand what that is, and this proposed act, and I think that difference was recognized the other day in the remarks of the Senator from Wisconsin [Mr. SPOONER]. The Harter Act, if I understand it, was to compel the freighters or shipowners to observe the obligations to which common carriers are subject under the common law, and if they violate those, I can see the propriety of a penal section.

But this measure, I imagine, is entirely outside of that. It does not touch the question of the obligations of common carriers under the common law, but is with reference to a contract made between the shippers and the shipowners. I should think it would be going a good ways to say that they should not make a certain contract with regard to the disposition of goods after they get them to London and then impose a severe penalty upon them if they disregard it. I do not think that the two cases are similar or parallel.

Mr. HALE. Mr. President, by reason of the colloquy between the Senator from Massachusetts [Mr. HOAR] and the Senator from Wisconsin [Mr. SPOONER], I may say, as resulting from a flashing out from the contact of the two minds, the Senator from Massachusetts prepared a very reasonable amendment and offered it.

Certainly I can not see how anybody desiring to do nothing more than what is fair can object to the amendment offered by the Senator from Massachusetts. It simply, as I understood it when read, provides that the shipowner may include in his contract, which the shipper shall pay, all charges that the shipowner is obliged to pay in London or in a foreign port. Certainly it will be going very far, as is contended for on the part of the advocates of this bill, to say that there shall not be put into this contract

between the two parties a provision that the shipowner may provide a contract for the shipper paying what the shipowner is obliged to pay in a foreign port, and yet, as I understand it, when the Senator from Minnesota was appealed to, and his attention was called to the reasonableness of this amendment, he said it would destroy his bill. Well, then, clearly the bill is an extreme, a drastic, and an unreasonable bill. If it is a bill that will not stand such a provision, if it is a bill that will not stand an amendment so reasonable as that, then it is a bill that never ought to pass. I should like to ask the Senator from Minnesota, who has drawn the bill, if he can give the Senate any reason why the shipowner shall not be allowed to put into his contract a provision that the shipper shall pay to him what the shipowner has to pay in a foreign port?

Now, listen:

Provided, That nothing in this act shall prevent the carrier from stipulating for the reimbursement to him by the shipper or consignee of any charges which he may be lawfully compelled to pay, or for compensation for any service which he may agree to render.

I repeat that I should like to have somebody tell me, and tell the Senate, why, in a case of contract between two parties, each of whom is presumed to be able to take care of himself, the shipper consenting to a clause of this kind should not have it enforced? Why should we declare that a provision of that kind is against law and can not be enforced?

Mr. NELSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maine yield?

Mr. HALE. The Senator from Massachusetts [Mr. HOAR] suggests to me that this is not a case of our protecting somebody who is not capable of looking out for himself; it is not a case of protecting an innocent, unwary man who can not and does not read fine print; but it is a case of contract made between two sets of men, either of whom are as sharp, as keen, and as capable of caring for their own interests as any set of men in the United States. I will pit the millers and lumbermen of the West against the shipowners of the Atlantic coast. They do not need additional protection because of their innocence. They are not poor men. They do not come here in forma pauperis. They are entirely capable. They are doing an immense business and making great profits. The freight upon flour between Minneapolis and London has been cut down one-half within ten years, and the shippers have got the benefit of it. Their exports from here and their importations into London have increased nearly 50 per cent during that time. They do not come here to us under an atmosphere of misfortune and under a showing that entitles them to a statute that says in terms that when certain provisions are put in the contract and agreed to they shall not be enforced.

Again I say I should like to have somebody state why this provision should not not be incorporated:

That nothing in this act shall prevent the carrier from stipulating for the reimbursement to him by the shipper or consignee of any charges which he may be lawfully compelled to pay, or for compensation for any service which he may agree to render.

Mr. NELSON. Mr. President, I will just make one remark in response to that statement. All the legitimate charges involved in the matter of discharging the cargo can be included in the contract of affreightment with the steamship company.

Mr. HOAR. If the Senator will just put that in the bill, that will be sufficient.

Mr. NELSON. That is the principle of general maritime law, and I am surprised that the Senator from Massachusetts does not understand it.

Mr. HOAR. I suppose we both understand it. I was just trying to get some light from my honorable friend from Minnesota about this matter, and I will say to him——

Mr. NELSON. Let me state my own view of this matter, and you can then state yours.

Mr. HOAR. If the Senator will put into his bill what he has just stated to be the universal practice of maritime law, that will remove the whole difficulty.

Mr. NELSON. There is no sense in the Senator's suggestion, with all due respect to him. We do not interfere in this bill at all in the matter of contracts. They can make any contract they wish. If I want to ship a carload of lumber or a carload of wheat or a carload of flour, there is nothing in this bill to prevent the steamship company from exacting any rate of freight they please. We do not interfere with that. But it is a principle of maritime law that when you hire a steamship company to carry your goods from port to port the contract of affreightment includes the delivery and discharge of that cargo, and any reasonable charges that the steamship companies are entitled to make for discharging they can include in their freight charges.

Now, let me ask the Senator from Massachusetts—I will put a case, as the Senator was not in the Chamber when I spoke this morning—what would he think of a railroad company carrying a carload of freight from Boston to Springfield at a certain given charge if the railroad company should insert a Springfield clause in the bill of lading, so that in addition to the freight the consignee shall pay a certain fixed charge for delivering the goods from the cars to the platform of the depot and from the platform of the depot back into the car and carrying them away? That is exactly a parallel situation. The railroad company in their freight charges do this very thing. So in this case any expense entailed in discharging the cargo by the steamship companies they can include in their freight. There is nothing in the least to hinder that in this bill. Any charges they have to pay for hiring men to discharge the cargo or anything of that kind they can make a part of the contract of affreightment, and there is nothing in this bill to prohibit them from doing so. What we ask is that whatever charges are made shall all be included in this item of freight, so that when we send goods from this country to London we know what the freight is, and that is the end of it. This bill does not interfere with the matter of freight at all. That will be left as free as it is to-day. We do not interfere with it in the least.

We ask for the passage of this bill, because if this charge is made a part of the freight it will be subject to competition and fluctuate with the rate of freight. It is now an arbitrary and fixed charge, varying from 1s. 9d. to 2s. 6d. a ton in addition to the freight. They have raised it two or three times, and have threatened once more to raise it; and against this charge we object.

Mr. MITCHELL. If the carrier can cover the London terminal charges by increasing the freight charges, what benefit would the shippers derive if the dock charges were included as a part of the freight?

Mr. NELSON. At present it is not subject to any competition whatever. It is an arbitrary and fixed charge, and there is no competition about it; but if it is made a part of the entire freight charge, there is competition, and the consignee or the shipper has the benefit of it.

Mr. HALE. There is the same competition now.

Mr. NELSON. There is no competition now. What competition is there about the London dock clause?

Mr. HALE. Any company may say, if they choose, "We will adopt this clause, which has been in existence for years and has worked well, and we will charge so much less freight."

Mr. NELSON. It works well for the steamship companies, but it does not work well for the shippers.

Mr. HALE. The question of the Senator from Oregon [Mr. MITCHELL] was a pertinent one.

Mr. NELSON. I have answered it.

Mr. HALE. But your answer is that there is some competition now on freight.

Mr. NELSON. There is no competition under the London clause. It is an arbitrary and fixed charge.

Mr. HALE. But there is a competition on freight.

Mr. NELSON. Very well.

Mr. HALE. If there ever was competition on freight there is competition now.

Mr. NELSON. But there is no competition now under this London dock clause. The steamship companies made a combination, refused to receive goods, and refused to issue bills of lading unless that London clause was inserted. The lumbermen and millers can not build steamship lines of their own.

Mr. HALE. There is competition with these half dozen lines from Boston, New York, and Portland that are shipping flour. The Boston people can say, "We do not want to interfere with this general proposition, with this settled policy, with this London dock clause fixing the charges for unloading freight over side on to lighters and barges; we do not want to disturb that; we have carried your freight for so much less than the New York companies have carried it, enough less to offset the London dock charge," and if there is any competition now there will be just as much then. We will have to deal with the same men the Senator speaks of, the millers and the lumbermen of the West, as we have now; and there will be no more competition than there is now. The same men who make the agreements will hold to them then just as they do now.

I think the Senator's bill does not proceed on any broad ground, but on the one single ground that he desires to get this strong language agreed to, and he invokes the aid of Congress to protect men who, so far as I know, have always been well able to take care of themselves. They will not get a penny's benefit out of this bill if it is passed.

Mr. NELSON. Then why do you oppose it, if there is no profit in it for the shipowner?

Mr. HALE. I oppose it because for twelve years this arrangement in London has worked admirably to everybody. Instead of throwing the whole business open to the charges of dockmen, lightermen, bargemen, and everybody else, it is all concentrated at one place and paid by one party, and the ship going out and coming back will be three days quicker under this clause than she will be if it is repealed and she is thrown upon the mercy of everybody.

There is no over-side unloading now, as there used to be, and there ought not to be. There is a regular dock charge, which has been fixed, and if it were repealed the millers and lumbermen would be anxious to have it restored.

Mr. McCUMBER. Let me ask the Senator a question.

Mr. HALE. Certainly.

Mr. McCUMBER. Take a ship going into the port of Liverpool. Would she not be three days quicker in going to and returning from that port? Those charges do not have to be paid in that port.

Mr. HALE. They do. They do not call them London dock charges, but they are of the same nature.

Mr. McCUMBER. Then I have misunderstood the matter.

Mr. HALE. The Senator is wrong about that. They have the same charge at Liverpool, at Manchester, at Bristol, and at some other ports. They are precisely alike, although they are not called London dock charges.

Mr. NELSON. The Senator is utterly mistaken. There was nothing of that kind shown in the evidence before the committee.

Mr. HOAR. Mr. President, it seems to me the point is a very simple one, and the answer to my honorable friend's contention is a very simple one. He says why do they not have on the railroad from Boston to Springfield a provision that the railroad company may make Springfield charges in discharging the freight from the trains. The answer is that we control Springfield. That would be under United States law if it were interstate commerce, and under the law of the Commonwealth if it were State commerce.

Mr. NELSON. May I ask the Senator a question?

Mr. HOAR. Certainly.

Mr. NELSON. Do we not control, under the commerce clause of the Constitution, the matter of contracts made in this country?

Mr. HOAR. Certainly.

Mr. NELSON. Then can we not prevent the insertion in these bills of lading of a contract to pay the London dock charges?

Mr. HOAR. I understand all that. I hope the Senator will wait a moment and let me state my proposition. We do not control London. We can not say by act of Congress that when an American ship gets to London she shall not have to pay a certain dock charge, whether it is local or general. If the owner of the steamship has got to pay that dock charge, he is entitled to be reimbursed. That my honorable friend agrees to. There may be cases where a cargo of flour is taken in ballast—and we had to take a great many cargoes coming this way in ballast, cargoes of Italian marble and similar products, in former times—there the shipowner would get actually nothing from the shipper, though he would have to pay the dock charges; and he ought to be reimbursed. Now, my honorable friend says, "But you ought to put that in the freight." I agree to all that; but make your freight charge include it.

Mr. NELSON. If the Senator will allow me——

Mr. HOAR. I am answering the Senator's question, and I will answer it with his permission.

Mr. NELSON. I want to say to the Senator that there is no prohibition in this bill against including that in the freight.

Mr. HOAR. That is what I am myself saying, that there is nothing in this bill including it in the freight; and the Senator asks, Is not that fair?

Mr. NELSON. The Senator from Massachusetts misunderstands me.

Mr. HOAR. No.

Mr. NELSON. I say there is nothing in this bill prohibiting them from including it in the freight.

Mr. HOAR. What I meant to say was that there is nothing in this bill prohibiting the shipowners from including it in the freight. My honorable friend says, why is not that fair? The answer to that question of his is because the matter is contingent; it applies to one port, but does not apply to another; it depends upon an authority in London which we can not control, and therefore it is not fair to all shippers to have included a charge in the freight which the steamship owner may have to pay or may not; the only fair thing is to say that if he has to pay it, he shall be reimbursed, and if he does not have to pay it, he shall not be reimbursed. That is what we are contending for.

When I called his attention to that point and said if the steamship company has to pay this charge they ought to be reimbursed, my honorable friend from Minnesota said: "Certainly; my bill does not prevent that." Then the Senator from Wisconsin [Mr. SPOONER], a most excellent lawyer, who replied to some things which the Senator from Connecticut [Mr. PLATT] had said against the bill, looked at the bill and said he was afraid the bill does prevent that; that it does not mean what the Senator from Minnesota thinks it does. So the Senator from Minnesota agrees that his bill ought to have the exact principle for which I contend, and he thinks he has got it in now, but the Senator from Wisconsin says it is not in now. Therefore, all we want is to have the bill say clearly that it does mean just what my friend from Minnesota thinks it means, and what the Senator from Wisconsin thinks it does not mean. All I desire is to have it appear that if the owner of a steamship has to pay lawful charges or to employ lawful services he shall be reimbursed, and if he does not have to pay them he shall not be reimbursed.

Is it not fairer to allow the parties to agree to that than it is to say you shall make a charge in all cases which shall cover that, whether you have to pay these charges or not? That is all there is between us two.

Then there was some suggestion, which the Senator from Maine [Mr. HALE] very well answered, why we do not want fine print clauses in a contract of this kind which the parties do not understand. There is a great deal of sense in that suggestion, because such clauses are often found in contracts of life insurance with poor people and in contracts of fire insurance on the dwelling houses of poor people; but it is a very different thing when you come to these contracts with the great millers and shippers of grain in my honorable friend's part of the country—the Washburns, the Pillsburys, and the other gentlemen whose names are familiar to my friends here. They are the sharpest, wisest, most proficient, and most successful business men on the face of the earth. The idea of putting Mr. William D. Washburn or Mr. Pillsbury under guardianship and saying that they shall not be permitted to make a contract with a steamship company to carry a cargo of flour to Liverpool for so much, and saying "if you have to pay for certain wharf charges, you may charge that in addition." The idea of putting either of those gentlemen under guardianship, and saying he shall not be permitted to do that. While I will not say that anything my honorable friend says is not wise, I will say that I have heard him say a great many wiser things than that in the course of my acquaintance with him.

Mr. NELSON. I will ease the mind of the Senator from Massachusetts on one point, and that is as to Mr. Pillsbury, who has got beyond the realm of guardianship, and is now, I hope, in the realms of bliss.

Mr. HOAR. If he has got beyond the realm of guardianship and into the realms of bliss, he is not now in favor of this bill. I am quite sure of that.

The PRESIDENT pro tempore. There was an amendment offered to the bill by the Senator from Massachusetts [Mr. HOAR] which will be stated.

The SECRETARY. At the end of the bill it is proposed to insert the following proviso:

Provided, That nothing in this act shall prevent the carrier from stipulating for the reimbursement to him by the shipper or consignee of any charges which he may be lawfully compelled to pay, or for compensation for any service which he may agree to render.

Mr. HALE. That is all right. I shall withdraw the other amendment so that this one may be voted upon.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Massachusetts [Mr. HOAR], which has been read. [Putting the question.] The "noes" appear to have it.

Mr. HALE. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. LODGE].

Mr. KEARNS (when his name was called). I am paired with the Senator from Montana [Mr. GIBSON] and the Senator from Arkansas [Mr. BERRY], is paired with the Senator from Maryland [Mr. McCOMAS]. We have transferred our pairs, so that the Senator from Maryland will stand paired with the Senator from Montana, and the Senator from Arkansas and myself are at liberty to vote.

Mr. MALLORY (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "nay."

Mr. MITCHELL (when his name was called). I have a general pair with the Senator from Idaho [Mr. DUBOIS], and therefore withhold my vote.

The roll call having been concluded, the result was announced—yeas 9, nays 36, not voting 43; as follows:

YEAS—9.

Aldrich,	Gallinger,	Hoar,	Platt, Conn.
Burnham,	Hale,	Kean,	Wetmore.
Frye,			

NAYS—36.

Allison,	Deboe,	McLaurin, Miss.	Platt, N. Y.
Bacon,	Fairbanks,	McLaurin, S. C.	Quarles,
Bate,	Gamble,	McMillan,	Quay,
Berry,	Harris,	Mason,	Scott,
Blackburn,	Heitfeld,	Millard,	Taliaferro,
Burrows,	Jones, Ark.	Morgan,	Teller,
Clapp,	Kearns,	Nelson,	Tillman,
Cockrell,	Kittredge,	Perkins,	Turner,
Cullom,	McCumber,	Pettus,	Vest.

NOT VOTING—43.

Bailey,	Dietrich,	Hansbrough,	Penrose,
Bard,	Dillingham,	Hawley,	Pritchard,
Beveridge,	Dolliver,	Jones, Nev.	Proctor,
Burton,	Dryden,	Lodge,	Rawlins,
Carmack,	Dubois,	McComas,	Simmons,
Clark, Mont.	Elkins,	McEnery,	Simon,
Clark, Wyo.	Foraker,	Mallory,	Spooner,
Clay,	Foster, La.	Martin,	Stewart,
Culberson,	Foster, Wash.	Mitchell,	Warren,
Daniel,	Gibson,	Money,	Wellington.
Depew,	Hanna,	Patterson,	

So Mr. HOAR'S amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FOOD ADULTERATION, ETC.

Mr. MCCUMBER. I move that the Senate proceed to the consideration of the bill (S. 3342) for preventing the adulteration, misbranding, and imitations of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Manufactures with an amendment in the nature of a substitute.

The Secretary proceeded to read the amendment.

Mr. JONES of Arkansas. I wish to ask what is before the Senate and how it is before the Senate?

The PRESIDENT pro tempore. This bill is before the Senate as in Committee of the Whole, it having been taken up on the motion of the Senator from North Dakota.

Mr. JONES of Arkansas. It has been taken up on motion?

The PRESIDENT pro tempore. It has been taken up on motion.

Mr. PLATT of Connecticut. What is its present condition?

The PRESIDENT pro tempore. The bill is in the Senate as in Committee of the Whole, and the amendment reported by the Committee on Manufactures is being read.

The Secretary resumed and concluded the reading of the amendment, which is to strike out all after the enacting clause and insert in lieu thereof the following:

That for the purpose of protecting the commerce in food products and drugs between the several States and in the District of Columbia and the Territories of the United States and with foreign countries the Secretary of Agriculture shall organize in the Bureau of Chemistry of the Department of Agriculture a food and drug division and such other divisions as may be necessary to properly conduct the work of said Bureau. The Bureau of Chemistry shall have the direction of the chemical work of the Department of Agriculture and of the chemical work of the other Executive Departments whose respective heads may apply to the Secretary of Agriculture for such collaboration, and shall also be charged with the inspection of food and drug products, as hereinafter provided in this act. The Secretary of Agriculture shall make necessary rules and regulations for carrying out the provisions of this act, under which the Chief of the Bureau of Chemistry shall procure from time to time, or cause to be procured, and analyze, or cause to be analyzed or examined chemically, microscopically, or otherwise, samples of foods and drugs offered for sale in original unbroken packages in the District of Columbia, in any Territory, or in any State other than that in which they shall have been respectively manufactured or produced, or from a foreign country, or intended for export to a foreign country. The Secretary of Agriculture is hereby authorized to employ such chemists, inspectors, clerks, laborers, and other employees as may be necessary to carry out the provisions of this act and to make such publication of the results of examinations and analyses as he may deem proper.

SEC. 2. That the introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia or from any foreign country, or shipment to any foreign country, of any article of food or drugs which is adulterated or misbranded within the meaning of this act is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to a foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or foreign country, or who, having received, shall deliver, for pay or otherwise, or offer to deliver to any other person, any such article so adulterated or misbranded within the meaning of this act, or any person who shall sell or offer for sale in the District of Columbia or the Territories of the United States such adulterated, mixed, misbranded, or imitated foods or drugs, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor, and for such offense be fined not exceeding $200 for the first offense and for each subsequent offense not exceeding $300 or be imprisoned not exceeding one year, or both, in the discretion of the court.

SEC. 3. That the Chief of the Bureau of Chemistry shall make or cause to be made, under rules and regulations to be prescribed by the Secretary of Agriculture, examinations of specimens of foods and drugs offered for sale in original unbroken packages in the District of Columbia, in any Territory, or in any State other than that in which they shall have been respectively manufactured or produced, or from any foreign country, or intended for shipment to any foreign country, which may be collected from time to time in various parts of the country. If it shall appear from any such examination that any of the provisions of this act have been violated, the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the analyses, duly authenticated by the analyst under oath.

SEC. 4. That it shall be the duty of every district attorney to whom the Secretary of Agriculture shall report any violation of this act to cause proceedings to be commenced and prosecuted without delay for the fines and penalties in such case provided.

DEFINITIONS.

SEC. 5. That the term "drug," as used in this act, shall include all medicines and preparations recognized in the United States Pharmacopœia for internal and external use. The term "food," as used herein, shall include all articles used for food, drink, confectionery, or condiment by man or domestic animals, whether simple, mixed, or compound.

ADULTERATIONS AND MISBRANDING.

SEC. 6. That for the purposes of this act an article shall be deemed to be adulterated—

In case of drugs:

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia, it differs from the standard of strength, quality, or purity as determined by the test laid down in the United States Pharmacopœia official at the time of the investigation.

Second. If its strength or purity fall below the professed standard under which it is sold.

That such drug shall be deemed to be misbranded:

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the package containing it or its label shall bear any statement regarding the ingredients or the substances contained therein, which statement shall be false or misleading in any particular, or if the same is falsely branded as to the State or Territory in which it is manufactured or produced.

In the case of confectionery an article shall be deemed to be adulterated:

If it contain terra alba, barytes, talc, chrome yellow, or other mineral substances or poisonous colors or flavors, or other ingredients deleterious or detrimental to health.

In the case of food an article shall be deemed to be adulterated:

First. If any substance or substances has or have been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, so that such product, when offered for sale, shall deceive or tend to deceive the purchaser.

Second. If any substance or substances has or have been substituted wholly or in part for the article, so that the product, when sold or offered for sale, shall deceive or tend to deceive the purchaser.

Third. If any valuable constituent of the article has been wholly or in part abstracted, so that the product, when sold or offered for sale, shall deceive or tend to deceive the purchaser.

Fourth. If it contain any added poisonous ingredient or any ingredient which may render such article injurious to the health of the person consuming it.

Fifth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

An article of food shall be deemed to be misbranded:

First. If it be an imitation of or offered for sale under the distinctive name of another article: *Provided*, That the term "distinctive name" shall not be construed as applying to any article sold or offered for sale under a name that has come into general use to indicate the class or kind of the article if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Second. If it be mixed, colored, powdered, or stained in a manner whereby damage or inferiority is concealed, so that such product, when sold or offered for sale, shall deceive or tend to deceive the purchaser.

Third. If it be labeled or branded with intent so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or is an imitation, either in package or label, of another substance of a previously established name, or which has been trade-marked or patented.

Fourth. If the package containing it or its label shall bear any statement regarding the ingredients or the substances contained therein, which statement shall be false or misleading in any particular, or if the same is falsely branded as to the State or Territory in which it is manufactured or produced.

Provided, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not included in definition fourth of this section.

Second. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are mixtures, compounds, combinations, imitations, or blends: *Provided*, That the same shall be labeled, branded, or tagged so as to show the character and constituents thereof: *And provided further*, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredients to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or imitation: *Provided further*, That no dealer shall be convicted under the provisions of this act when he is able to prove a written guaranty of purity, in a form approved by the Secretary of Agriculture, as published in his rules and regulations, signed by the manufacturer or the party or parties from whom he purchased said articles: *Provided also*, That said guarantor or guarantors reside in the United States. Said guaranty shall contain the full name and address of the party or parties making the sale to the dealer, and said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach in due course to the dealer under the provisions of this act.

SEC. 7. That it shall be the duty of the Secretary of Agriculture to fix standards of food products when advisable and to determine the wholesomeness or unwholesomeness of preservatives and other substances which are or may be added to foods, and to aid him in reaching just decisions in such matters he is authorized to call upon the Chief of the Bureau of Chemistry and the chairman of the committee on food standards of the Association of Official Agricultural Chemists, and such physicians, not less than five, as the President of the United States shall select, three of whom shall be from the Medical Departments of the Army, the Navy, and the Marine-Hospital Service, and not less than five experts, to be selected by the Secretary of Agriculture by reason of their attainments in physiological chemistry, hygiene, commerce, and manufactures, to consider jointly the standards of all food products (within the meaning of this act), and to study the effect of the preservatives and other substances added to food products on the health of the consumer; and when so determined and approved by the Secretary of Agriculture such standards shall guide the chemists of the Department of Agriculture in the performance of the duties imposed upon them by this act. It shall be the duty of the Secretary of Agriculture, either directly or through the Chief of the Bureau of Chemistry and the chairman of the committee on food standards of the Association of Official Agricultural Chemists and the medical officers and experts before mentioned, to confer with and consult, when so requested, the duly accredited representatives of all industries producing articles for which standards shall be established under the provisions of this act.

SEC. 8. That every person who manufactures or produces for shipment

and delivers for transportation within the District of Columbia or any Territory, or who manufactures or produces for shipment or delivers for transportation from any State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia, or to any foreign country, any drug or article of food, and every person who exposes for sale or delivers to a purchaser in the District of Columbia or any Territory any drug or article of food manufactured or produced within said District of Columbia or any Territory, or who exposes for sale or delivers for shipment any drug or article of food received from a State, Territory, or the District of Columbia other than the State, Territory, or the District of Columbia in which he exposes for sale or delivers such drug or article of food, or from any foreign country, shall furnish within business hours, and upon tender and full payment of the selling price, a sample of such drugs or articles of food to any person duly authorized by the Secretary of Agriculture to receive the same and who shall apply to such manufacturer, producer, or vender, or person delivering to a purchaser such drug or article of food, for such sample for such use, in sufficient quantity for the analysis of any such article or articles in his possession. And in the presence of such dealer and an agent of the Department of Agriculture, if so desired by either party, said sample shall be divided into three parts, and each part shall be sealed by the seal of the Department of Agriculture.

One part shall be left with the dealer, one delivered to the chief of the Bureau of Chemistry of the Department of Agriculture, and one deposited with the United States district attorney for the district in which the same is taken. Said manufacturer, producer, or dealer may have the sample left with him analyzed at his own expense, and if the results of said analysis differ from those of the Department of Agriculture the sample in the hands of the district attorney may be analyzed at the expense of the said manufacturer or dealer by a third chemist, who shall be appointed by the president of the Association of Official Agricultural Chemists of the United States, and the analysis shall be conducted, if so desired, in the presence of a chemist of the Department of Agriculture and a chemist representing the dealer, and the whole data obtained shall be laid before the court.

SEC. 9. That any manufacturer, producer, or dealer who refuses to comply, upon demand, with the requirements of section 8 of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding $100 or imprisonment not exceeding one hundred days, or both. And any person found guilty of manufacturing or offering for sale, or selling, any adulterated, impure, or misbranded article of food or drug in violation of the provisions of this act shall be adjudged to pay, in addition to the penalties hereinbefore provided for, all the necessary costs and expenses incurred in inspecting and analyzing such adulterated articles which said person may have been found guilty of manufacturing, selling, or offering for sale.

SEC. 10. That any article of food or drug that is adulterated or misbranded within the meaning of this act, and is transported or being transported from one State to another for sale, or if it be sold or offered for sale in the District of Columbia and the Territories of the United States, or if it be imported from a foreign country for sale, or if intended for export to a foreign country, shall be liable to be proceeded against in any district court of the United States, within the district where the same is found and seized for confiscation, by a process of libel for condemnation. And if such article is condemned as being adulterated, the same shall be disposed of as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States, but such goods shall not be sold in any State contrary to the laws of that State. The proceedings of such libel cases shall conform, as near as may be, to proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in such case; and all such proceedings shall be at the suit of and in the name of the United States.

SEC. 11. That this act shall not be construed to interfere with commerce wholly internal in any State, nor with the exercise of their police powers by the several States: *Provided further*, That nothing in this act shall be construed to interfere with legislation now in force, enacted either by Congress for the District of Columbia or by the Territorial legislatures for the several Territories, regulating commerce in adulterated foods and drugs within the District of Columbia and the several Territories, except wherein such legislation conflicts with the provisions herein.

Mr. MCCUMBER. On behalf of the committee, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from North Dakota offers an amendment which will be stated.

The SECRETARY. After the word "definition," in line 21, page 19, strike out the words "fourth of this section" and insert in lieu thereof the words "first of misbranded articles of food in this section;" so as to read:

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not included in definition first of misbranded articles of food in this section.

The amendment to the amendment was agreed to.

Mr. MCCUMBER. On page 20, line 21, after the word "to," I move to strike out the word "fix" and insert in lieu thereof the words "determine what are the highest;" so as to read:

It shall be the duty of the Secretary of Agriculture to determine what are the highest standards of food products, etc.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment as amended.

Mr. MCCUMBER. Mr. President, I do not desire to make any further remarks upon this bill, except to call attention to one or two objections that have been made to it and to give a very short explanation of it.

This bill, I desire to say, has the approval of the Secretary of Agriculture and the Agricultural Department. Section 1 provides that the Bureau of Chemistry, which is already established in the Department of Agriculture, shall be organized into a pure food and drug bureau, or a division in that Bureau shall be organized which shall be known as the bureau of food and drugs. It also provides that this division is to inspect food and drug products either for the manufacturer or for the Department in the prosecution of its labors. It also provides that the Department of Agriculture may publish the results of its examinations.

We then come to section 7, to which there was some slight objection before the committee, but when we got through with our labors I received letters from those firms who had appeared in opposition to the bill, and I do not find any of them urging any objection whatever to the bill now as amended.

By section 7 the Secretary of Agriculture is to determine what are the highest standards—that is, if advisable, he is to make the determination. He fixes no standard absolutely, but that bureau is simply to determine for the information of the public what are the highest standards of food products, and also to determine the wholesomeness of preservatives and substances which are usually added to foods.

Now, how is he to do this? He is to call to his assistance the Chief of the Bureau of Chemistry, and the chairman of the committee on food standards of the Association of Official Agricultural Chemists, and not less than five physicians or experts (three of whom shall be from the Medical Department of the Army, the Navy, and the Marine-Hospital Service), and not less than five experts, to be selected by the Secretary of Agriculture, skilled in physiological chemistry, hygiene, and also experts in food, commerce, and manufactures. These experts are compelled to confer with and consult all duly accredited representatives of all food industries.

It also provides that the Secretary of Agriculture is to fix and determine these high standards——

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. MCCUMBER. With pleasure.

Mr. GALLINGER. If the Senator will permit me, as he is explaining this section, I should like to ask him what the Association of Official Agricultural Chemists is. Is it a voluntary association?

Mr. MCCUMBER. I wrote to the Department of Agriculture, which recommends this bill, for just the information the Senator desires, and I will read its statement:

The Association of Official Agricultural Chemists grew out of a movement inaugurated by Mr. H. J. Redding, now director of the Georgia Agricultural Experiment Station, who induced Hon. J. T. Henderson, commissioner of agriculture of the State of Georgia, to call a meeting of the agricultural chemists of the United States in May, 1880. This meeting was held in Atlanta and adjourned to meet later in the season, in Boston, in connection with the American Association for the Advancement of Science. This meeting took place in August, 1880.

A tentative plan of cooperation was agreed upon in these meetings, but for some reason the organization lapsed and no further meetings were called until the spring of 1884, when another meeting of agricultural chemists was held in Atlanta. This meeting adjourned to meet in Philadelphia, where, on September 8, 1884, a formal organization of the agricultural chemists took place, which has remained unbroken to the present time.

This organization was at once taken under the auspices of the United States Department of Agriculture, and since that period has been recognized as an important branch of the agricultural work of that Department. The proceedings of the association are published as bulletins of the Bureau of Chemistry of the Department, and the chief of that Bureau has been the permanent secretary of the association since 1889.

The constitution of the association contains, among others, the following provision:

"Chemists connected with the United States Department of Agriculture or with any State or national agricultural experiment station or agricultural college or with any State or national institution or body charged with official control of the materials named in section 1 shall alone be eligible to membership."

The clause of section 1 referred to relates to the investigation of fertilizers, soils, cattle foods, dairy products, and other materials connected with agricultural industry.

A list of the members who have attended the meetings of the society is found on pages 14 to 16 of Bulletin No. 57 of the Bureau of Chemistry of the Department of Agriculture. A historical sketch of the association up to 1899 is found in the same bulletin, pages 16 and following.

The association represents practically every chemist occupying any official position in the United States connected in any way with agriculture or agricultural products. The study of foods, both for man and beast, has been one of the chief functions of this association, and in order to secure definite and reliable ideas in regard to the composition of foods the association several years ago appointed a committee on food standards, a highly representative body, including members from every part of the United States who are experts on food investigations. The chairman of this committee, thus officially constituted and recognized as an official or employee of the Government, and holding as he does a commission from the Secretary of Agriculture, as special agent to study foods, is designated in this bill as one of the members of the commission to study the composition of foods, food standards, and the effect of preservatives, coloring matters, and other substances added to foods upon the health. The qualifications and credentials of such a member as this are of the highest character. The present chairman of the committee on food standards is Dr. William Frear, chemist and assistant director of the agricultural experiment station of Pennsylvania.

I think that answers the query of the Senator from New Hampshire concerning this association, and I have read it so that he may understand it quite fully.

Mr. GALLINGER. I notice that in addition to the chairman of that association and the Chief of the Bureau of Chemistry 5 physicians are to be appointed, 3 of whom are in the service and 2 of whom are not in the service, and 5 experts. Twelve distinguished scientists are to have charge of this matter of determining the standards of food, etc. But I do not find any provision in the bill for paying those men. I will ask the Senator from North Dakota how they are to get pay for their services. These five experts will be very high-priced men, and presumably the two

physicians, in addition to those who are in the service, are to be high-priced men. I take it the chairman of the association, the chief of the bureau, and the agricultural chemists will likely want some additional pay, and I do not find any provision in the bill for paying them. Perhaps there is some provision that I have overlooked.

Mr. McCUMBER. In answer to that I will say that those who are selected from the Army, the Navy, and the Marine-Hospital Service are persons who are already making a study of just the particular matters which will be important information to be given to the Secretary of Agriculture, and I suppose that the payments they are receiving now will compensate them for this additional service. In other words, they have a right to call upon these parties for this additional service.

Mr. GALLINGER. I had reference to the others, I will say, Mr. President.

Mr. McCUMBER. The others, who are to be selected by the President, I presume, will be paid out of the funds which are voted for the Agricultural Department for general deficiency purposes. I do not understand that these other five would be required to be called in on every occasion, but they may be called in to give advice. I presume that there is sufficient revenue and sufficient funds in the Department of Agriculture to pay them, as it now pays numerous assistants who are not specially provided for in any bill.

Mr. GALLINGER. I ask the Senator if that will likewise apply to the provision in section 1, where the Secretary of Agriculture is "authorized to employ such chemists, inspectors, clerks, laborers, and other employees as may be necessary to carry out the provisions of this act?"

Mr. McCUMBER. He has a right to employ them generally for the purposes of the Agricultural Department under the law as it now stands. I do not understand that this will add very materially to the expenses of the Department. In fact, I am informed by the Department that it will not, that they are already employing these chemists over the country, and they can utilize them for this purpose.

Mr. GALLINGER. Have we given the Secretary of Agriculture authority to employ an indefinite and unlimited number of chemists, inspectors, etc? If we have, I think it is rather an extraordinary stretch of authority to put in the hands of any head of a department.

Mr. McCUMBER. He is authorized at the present time to employ under the present law, as I understand it, such chemists as may be necessary. That he is doing. The Secretary of Agriculture has not abused the privilege that has been conferred upon him by the law in any excessive employment of chemists, and, as I said, I am informed they can use the same chemists they are now using throughout the country without any additional expense.

Mr. JONES of Arkansas. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Arkansas?

Mr. McCUMBER. With pleasure.

Mr. JONES of Arkansas. I am not familiar with this bill. I have not had an opportunity to understand its details. I find in section 7 this provision at the beginning of the section:

> That it shall be the duty of the Secretary of Agriculture to fix standards of food products when advisable.

Mr. PLATT of Connecticut. That has been changed.

Mr. McCUMBER. That has been changed by striking out the word "fixed." It reads:

> To determine what are the highest standards of food products.

Mr. JONES of Arkansas. When that determination is made, what is the result of the bill?

Mr. McCUMBER. Nothing, except that it is for the general information of the public. As I have stated before, section 7 may be entirely stricken out without in any way affecting the general character of the bill. Section 7 provides for the dissemination of general knowledge pertaining to pure and perfect foods. That is its object, and it has no further object.

Mr. PLATT of Connecticut. May I ask right on this point, is it supposed that the Secretary of Agriculture, in the way provided here, is going to fix and determine what is the best article of food that is sold and publish it to the United States. For instance, we have heard a great deal about baking powder. Is he to determine and tell us what is the best baking powder? There is a variety of such articles. Is he to fix and determine and publish to the country which is the best of all the different articles of food product which are pure? It is a pretty large power to place in the hands of any one man to advertise the food products of any concern in the United States as being the best products made in the United States.

Mr. McCUMBER. In answer to the query of the Senator I would say that that is not the intent nor any fair construction of the bill. In fact, we have sought to avoid anything of that kind.

Mr. JONES of Arkansas. How does section 7——

Mr. McCUMBER. If the Senator will pardon me a moment, I do not know that it increases the power given to the Secretary of Agriculture beyond what it is now. He can already determine what is the best kind of flour, what is the character of the best ingredients, and what a pure flour should contain. He can already determine what ought to be the highest standard, the different chemical constitutents of the highest character of, for instance, corn meal or of buckwheat flour. It is the same with sirup and the same with sugar. It does not add in any way to his present power in the dissemination of knowledge which he has already given to the public upon those matters.

Mr. JONES of Arkansas. I should like to ask the Senator how section 7 now reads. I think he said the provision that the Secretary shall fix the standard of food has been changed.

Mr. McCUMBER. It was done simply because there was a misunderstanding. The word "fixed" seemed to carry with it the idea that if a standard was determined to be a high standard everything else must come up to that or it would be illegal; and there is nothing of that kind in the bill.

Mr. JONES of Arkansas. I wanted to understand how the Senator proposes to change the section he says has been changed. I should like to know how it has been changed.

Mr. McCUMBER. It has been already changed.

Mr. JONES of Arkansas. How?

Mr. McCUMBER. By striking out the word "fixed," so as to read:

> That it shall be the duty of the Secretary of Agriculture to determine what are the highest standards of food products, when advisable.

Mr. JONES of Arkansas. It seems to me, then, that the question asked by the Senator from Connecticut is decidedly pertinent. If the Secretary of Agriculture is to determine which are the best classes of food there will be tremendous power in the hands of the Secretary of Agriculture in determining between rival manufacturers which has the best product.

Mr. McCUMBER. I suppose the Secretary of Agriculture may determine, and it would properly be his duty to determine, whether certain ingredients, even in baking powders, were injurious. If, after calling in all these experts, they decide that certain ingredients in baking powder are injurious to the health of the public, I suppose that some persons might suffer as a result of that decision, if, as a matter of fact, their food products when examined did not come up to that standard, or did contain ingredients injurious to the health of the people.

That is one of the objects of the bill. It is that the Secretary of Agriculture may determine with all of these, the best experts in the United States, what are the highest standards, and then all manufacturers will come up to that standard as near as possible. It does not make any of their products illegal, but all may be shipped from one State to another State.

Mr. PLATT of Connecticut. It does not make their products illegal, but suppose——

Mr. McCUMBER. I meant that it does not make the sale of them illegal.

Mr. PLATT of Connecticut. But suppose the Secretary of Agriculture, assisted by this board that he chooses of high medical officers and the association of expert chemists, and all that, should come to the conclusion that Pillsbury flour was the best flour in the United States and so advertise it. They immediately, if they got such a judgment as that, would advertise it, if the Secretary did not. They would say, "Our flour has received the sanction of this great board, which is provided by the Government, as being the best flour in the United States."

Mr. CULLOM. And comes up to the highest standard.

Mr. PLATT of Connecticut. And comes up to the highest standard. Would not that practically give them a tremendous advantage over all other flour manufacturers who might be producing flour which in some degree perhaps did not come up to the very highest standard? Now, take the matter of cereals.

Mr. McCUMBER. I can explain that, Mr. President.

Mr. PLATT of Connecticut. In just a moment. I want to take the matter of cereals. Here are a great many cereals—hundreds of them. Suppose that the Secretary of Agriculture with this board, which is provided, after laborious consideration and hearings, which are provided for here, shall determine that the best standard cereal in the United States is "H. O."

Mr. GALLINGER. Or Postum Cereal.

Mr. PLATT of Connecticut. Or Postum Cereal, or some of those foods which are advertised and sold. What a tremendous advantage that gives to the manufacturers of those foods! Ought we to put any such power as that into the hands of anyone.

Mr. McCUMBER. That is not all the way this bill works. Let me explain to the Senator. What will the Department of Agriculture determine, if they determine anything? They will determine what is the highest standard of flour. How will they determine it? They will simply say that a high standard of flour will be a flour that contains such a percentage of starch, such a percentage of gluten, such a percentage of lime, such a percentage

of water, etc., including all the ingredients, that a flour of that kind is most easily digestible, that it can be assimilated with the least injury to the system. They make that announcement after obtaining the best data that they can secure over the country. If any manufacturer has a flour that comes up to that standard, or nearest to that standard, naturally he would have an advantage. It is very probable that he would have an advantage, but it is right that he should have. That is what the public desire. If one flour is better than the other the public have a right to know that it is better than the other, and if——

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

Mr. MCCUMBER. I do not understand that there will be any one ready to speak on the unfinished business before 2 o'clock.

Mr. MORGAN. There are two or three.

Mr. CULLOM. I am up now for that purpose.

Mr. MCCUMBER. Will the Senator from Illinois yield to me for one moment?

Mr. CULLOM. Certainly.

Mr. MCCUMBER. I ask unanimous consent that this bill may be taken up and considered without limitation of debate after the routine morning business until disposed of.

Mr. ALDRICH. I object.

Mr. BATE. Mr. President, I object.

Mr. MORGAN. I shall be obliged to object to that request unless it is fixed after Thursday, because I find a number of Senators desire to be heard on the canal bill, which, of course, is a very important matter. So I shall be compelled to ask the Senate to take up the bill immediately after the routine morning business.

Mr. MCCUMBER. I shall be pleased to except the canal bill or any bill in the line of appropriations that it may be desired to take up in the morning hour.

The PRESIDENT pro tempore. The Senator from Tennessee [Mr. BATE] objected without any limitation.

Mr. BATE. And I object to continuing the discussion. Let the regular business be proceeded with.

Mr. MCCUMBER. I desire to give notice that after the routine morning business to-morrow morning I shall ask that the pure-food bill be considered.

ISTHMIAN CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

Mr. MALLORY. Before the Senator from Illinois proceeds I desire to offer an amendment to the amendment of the Senator from Wisconsin [Mr. SPOONER]. I ask that it be read and printed. It is very brief.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 4, line 4, after the words "Sec. 4," strike out all down to and including the word "terms," in line 9, and insert in lieu thereof the following:

That should the President be unable, within six months after the approval of this act, to obtain for the United States, on reasonable terms, a satisfactory title to the property of the New Panama Canal Company and such control of and jurisdiction over the necessary territory of the Republic of Colombia, mentioned in sections 1 and 2 of this act, including the right to perpetually maintain and operate the Panama Railroad.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

Mr. CULLOM. Mr. President, I venture to give my views upon this subject with some degree of hesitation, first, because I dislike very greatly to differ with the distinguished Senator from Alabama, who for many years has been giving especial attention to the great question of securing an isthmian canal connecting the two oceans; and second, I have not forgotten that in 1894 I had the honor to deliver a brief address in this Senate in favor of what was then the only route that was considered, namely, the Nicaraguan route. I favored the construction of the canal through Nicaragua, not because I believed it was the best route that could be secured for such a canal, but because at that time it seemed to be the only practicable route over which the United States could construct the canal.

The Panama route was not then under discussion or consideration. A private French corporation had long before secured concessions from Colombia for the construction of a Panama canal, and such canal was actually being excavated. I did not suppose then, and do not think now, it would have been possible for the United States to have purchased the rights and concessions of the French corporation. Hence, as I have stated, there was only one available route over which the United States could construct a canal. So, Mr. President, with this explanation, I do not feel embarrassed by the fact that I advocated the Nicaragua route in 1894, and that I am now of the opinion that the Panama route is the most feasible one. If for any reason it is found that we can not secure a satisfactory title to the Panama route, then I am in favor of constructing the canal through Nicaragua.

I shall now proceed to the discussion of the question as to which of these routes we shall adopt. We are brought face to face at last with the proposition whether we will construct a canal at all, as both routes are now at our disposal and there is no longer excuse for delay.

QUESTION NOT A POLITICAL ONE.

Both political parties have indorsed the great work of constructing an isthmian canal. The Democratic party, in national convention assembled, indorsed the Nicaraguan route. The Republican party at its last national convention favored the construction of an isthmian canal. There is therefore no partisanship involved in this question. We are to perform a deliberate and unbiased duty in determining, in the interest of the success of the canal and in the interest of the American people, which route shall be selected.

HISTORY OF THE PROPOSED ISTHMIAN CANAL.

For years following the discovery of America it was thought that there was a natural strait across the Isthmus connecting the Atlantic and Pacific oceans. Columbus searched for such a strait and died in the belief that it existed, and until 1540, so generally was it believed that there was a natural waterway connecting the Atlantic and Pacific oceans through Central America, that it was so represented on all maps of the Western Hemisphere. Charles V of Spain early recommended to the Cortes the investigation of the Panama country with a view to the construction of a ship canal, but under his successor, Philip II of Spain, all efforts looking to the construction of a ship canal were abandoned, as Philip believed that the natural barrier was placed there by God and should not be removed by man. After Latin America threw off the yoke of Spanish rule, Bolivar, in 1825, took steps to have the Isthmus of Panama surveyed for the construction of a canal. The Panama route, over which it is now proposed to construct the canal, soon became an important highway of commerce, and has continued to be such for more than 400 years.

The United States early took an interest in an interoceanic canal. So far back as 1825 the subject was considered by that great statesman Henry Clay, then Secretary of State. The Republic of Central America first entered into a contract for the construction of a canal with an American citizen, A. H. Palmer, of New York, but Palmer was unable to raise the funds and the contract lapsed. In 1835 it was suggested by Central America that the United States construct the canal, and Presidents Jackson and Van Buren sent agents to Central America for the purpose of investigating possible routes, but without result.

In 1846 a treaty was entered into with New Granada (Colombia), which secured for the United States the right of transit across the Isthmus, and by which the United States guaranteed the neutrality of the Isthmus and of the canal if constructed.

In 1849 a concession was granted by the Nicaraguan Government, known as the Vanderbilt concession, to certain citizens of the United States for the construction of the canal, which was afterwards abrogated; but it was on account of this concession and certain claims of Great Britain to the territory at the terminus of the proposed canal which led to the signing of the old Clayton-Bulwer treaty of April 19, 1850, between the United States and Great Britain, by which the signatory parties joined in guaranteeing the neutrality of the canal when constructed by private capital. That treaty remained in full force and effect until the present session of Congress, when it was formally abrogated by the Hay-Pauncefote treaty. For more than half a century the Clayton-Bulwer treaty, negotiated with the belief that the canal would soon be constructed, proved an effective barrier against the construction of such a canal. Different attempts were made to abrogate it. By many it was thought not to be binding upon the United States, but these questions were happily set at rest by the ratification of the second Hay-Pauncefote treaty.

The Vanderbilt contract was in 1856 revoked because of noncompliance with its terms.

In 1848 New Granada entered into a contract with the Panama Railway Company, under which contract the Panama Railroad was constructed across the Isthmus, and was put in operation in 1855.

General Grant, in 1869, in his first annual message to Congress, called attention to the subject of an interoceanic canal connecting the Atlantic and Pacific oceans through the Isthmus of Darien, and stated that instructions had been given to our minister to Colombia to obtain authority for a survey by this Government, in order to determine the practicability of such an undertaking, and a charter for the right of way to build by private enterprise such a work, if the surveys proved it to be practicable. Further explorations were made, and in 1872, pursuant to a resolution of Congress, the President appointed an interoceanic canal commission, which spent some years in investigation, and finally, in 1876, reported in favor of the Nicaraguan route. As usual, however, no action was taken by Congress upon the report.

Under the Administration of President Arthur a treaty was negotiated with Nicaragua for the construction of the canal by and at the sole cost of the United States through Nicaragua. This treaty was in direct conflict with the Clayton-Bulwer treaty. It was not ratified during the Arthur Administration, and was immediately withdrawn by President Cleveland for reexamination, and in his first annual message to Congress he stated that he would not resubmit it to the Senate, stating, in part:

> Maintaining, as I do, the tenets of a line of precedents from Washington's day, which proscribe entangling alliances with foreign states, I do not favor a policy of acquisition of new and distant territory or the incorporation of remote interests with our own. * * *
>
> Therefore I am unable to recommend propositions involving paramount privileges of ownership or right outside of our own territory when coupled with absolute and unlimited engagements to defend the territorial integrity of the state where such interests lie. While the general project of connecting the two oceans by means of a canal is to be encouraged, I am of the opinion that any scheme to that end, to be considered with favor, should be free from the features alluded to.
>
> Whatever highway may be constructed across the barrier dividing the two greatest maritime areas of the world must be for the world's benefit—a trust for mankind, to be removed from the chance of domination by any single power, nor become a point of invitation for hostilities or a prize for warlike ambition. An engagement combining the construction, ownership, and operation of such a work by this Government, with an offensive and defensive alliance for its protection with the foreign state whose responsibilities and rights we would share, is, in my judgment, inconsistent with such dedication to universal and neutral use, and would, moreover, entail measures for its realization beyond the scope of our national policy or present means.

The Maritime Canal Company obtained concessions from Nicaragua for the construction of the canal, and that company was incorporated by act of Congress of February 20, 1889, and in June, 1889, the preliminary work for the construction of the canal was commenced by the Nicaragua Canal Construction Company, a Colorado corporation, who had entered into a contract with the Maritime Canal Company for the completion of the Nicaragua Canal. A couple of million dollars was spent by the company, but finally in 1893 the work was abandoned and the property forfeited to the Government of Nicaragua under the terms of its contract. Congress had been appealed to for aid by this company, and bills to that end were considered by Congress, but never became laws.

However, on March 2, 1895, an appropriation of $20,000 was made for the purpose of ascertaining the feasibility and cost of the construction and completion of the Nicaragua Canal. A board of three engineers was constituted by this act, to be appointed by the President, one from the Corps of Engineers of the Army, one from the Navy, and a civil engineer from private life, to make the surveys and examination necessary for such ascertainment. Said board was personally to visit Nicaragua, and make its report before November 1, 1895. The President appointed Colonel Ludlow, Civil Engineer Endicott, and Alfred Noble a board of engineers to make the investigation.

On October 31, 1895, this Nicaragua Canal Board submitted its report, which contains much valuable information and a large number of profiles of the proposed route, but which recommends that further investigations should be made, as, owing to the lack of funds and the short length of time at the disposal of the Board, a complete and thorough investigation was not possible; that for obtaining the necessary data for the formation of a final project eighteen months' time, covering two dry seasons, and an expenditure of $350,000 "will be required."

On June 4, 1897, $150,000 were appropriated for the purpose of continuing surveys and examinations of the Nicaragua route, and the President was authorized to appoint a commission, consisting of one engineer from the Corps of Engineers, one naval officer, and one engineer from civil life, to complete plans for the entire work of the construction of such Nicaragua Canal.

The President appointed as members of this Nicaragua Canal Commission Rear-Admiral Walker, Col. O. M. Carter (succeeded by Colonel Hains), and Prof. L. M. Haupt.

This Commission made its report on May 9, 1899, in which they concluded as follows:

> After giving due weight to all the elements of this important question, and with an earnest desire to reach logical conclusions, based upon substantial facts, the Commission believes that a canal can be built across the Isthmus on this route for a sum not exceeding that stated in the estimate.

Namely, $118,000,000. Professor Haupt estimated that it would cost $134,818,308.

It must be remembered that neither the Nicaragua Canal Board of 1895 nor the Nicaragua Canal Commission of 1897 were appointed to consider the Panama route. These Commissions were appointed for the purpose of reporting as to the Nicaragua route.

In 1899 the present Isthmian Canal Commission was appointed, under and by virtue of an act of Congress, to investigate both the Panama and Nicaragua routes; to which Commission and its report and recommendations I shall refer at length hereafter.

PENDING MEASURES FOR THE CONSTRUCTION OF THE CANAL.

There are three propositions now pending before the Senate for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

The first bill, being the so-called Hepburn bill, which has twice passed the House, and has been favorably reported by the Committee on Interoceanic Canals of the Senate. This bill authorizes the President to acquire from the States of Costa Rica and Nicaragua control of such portions of territory as may be desirable and necessary on which to excavate and construct a canal from a point near Greytown, in the Caribbean Sea, via Lake Nicaragua, to Brito, on the Pacific Ocean, and appropriates $10,000,000 toward the project therein contemplated. This is the Nicaraguan canal bill.

The second bill is in form an amendment or substitute for the Hepburn-Morgan bill, having been introduced by the senior Senator from Wisconsin, and has been considered and reported adversely by the Committee on Interoceanic Canals. This amendment strikes out all after the enacting clause of the Hepburn-Morgan bill and authorizes the President to acquire, at a cost of $40,000,000, all property, etc., of the Panama Canal Company, of France, etc., providing a satisfactory title to said property can be obtained. It also authorized the President to acquire from Colombia, upon such terms as he may deem reasonable, control of sufficient territory for the construction of the canal. It then provides that the President shall direct the Secretary of War to excavate and construct, utilizing to that end, so far as practicable, the work heretofore done by the New Panama Canal Company, of France, a ship canal over what is known as the Panama route.

Section 4 provides that if the President is unable to obtain for the United States a satisfactory title to the property of the Panama Canal Company, and such control of the territory from the Republic of Colombia within a reasonable time and upon reasonable terms, that the President, after having first obtained similar control of the necessary territory from Costa Rica and Nicaragua for the construction of the canal, shall direct the Secretary of War to excavate and construct a ship canal over what is known as the Nicaragua route.

The third bill, which has been introduced as a substitute for the Spooner amendment by the senior Senator from Massachusetts, directs the President to cause to be excavated a canal from the Atlantic to the Pacific oceans by such route as may be selected by him, giving him authority to employ such agencies and obtain such advice as he shall find necessary, etc., and appropriating $10,000,000 to carry out the project therein contemplated.

This third bill gives to the President the whole discretion in the selection of a route. It gives to him more than executive authority. It confers upon him a power which should be exercised by Congress alone. The President, with this great responsibility upon him, would be very slow in making a selection. He would be called upon to consider routes which are no longer seriously considered. After years of investigation, I think all necessary information is now before Congress to enable us to make a proper selection. The Nicaragua and the Panama routes are now the only ones thought to be practicable. Congress should not shirk its responsibility. The time of the Executive is already sufficiently occupied with duties properly and legitimately executive, and to throw this great responsibility of the selection of a route for the construction of a canal costing $200,000,000, and possibly more, would be unfair to the Executive, and would be giving him responsibility which he has not sought and does not desire.

If the Spooner substitute is adopted the President will have placed upon him the responsibility of seeing to it that the Panama Canal Company conveys to the United States a satisfactory title and the making of a treaty with Colombia, securing to the United States the control of the necessary territory, which is as much responsibility and discretion as the President should be called upon to exercise, and any treaty negotiated by the President will be sent to the Senate for its consideration, touching the matters of jurisdiction and the zone of territory through which the canal may run.

The bill which passed the House, providing for the construction of the canal via the Nicaragua route, and the Spooner substitute, providing first for the construction of the canal via the Panama route, and if that is not practicable, then via the Nicaragua route, are now under consideration.

THE TWO ROUTES.

It seems to be pretty well settled that the Nicaragua and Panama are the only practicable routes for the construction of an interoceanic canal. There is much to be said in favor of both routes. We have for so many years been of the opinion that it would be impossible for the United States to secure title to the Panama route (that route having been in the hands of a private French corporation) that we had ceased giving the Panama any attention, and the popular idea has been the canal via Nicaragua and Costa Rica, and hence we have all, perhaps, been a little prejudiced in favor of Nicaragua.

I believe there are many convincing reasons why the Spooner substitute should be passed, and why the canal should be constructed over the Panama route, if a good title can be obtained

from the Panama Canal Company and the Government of Colombia. The principal reason on which I base my preference for the Panama route is the recommendation and reports of the recent Isthmian Canal Commission.

THE PANAMA ROUTE AND THE REPORTS OF THE COMMISSION.

Many measures have been considered by Congress looking to the construction of an isthmian canal via the Nicaragua route, either at the sole cost of the United States or by Government aid to private individuals. It was not until 1899, however, that any plan for a thorough investigation of both the Panama and Nicaragua routes was provided. In that year an item was inserted in the river and harbor appropriation bill appropriating $1,000,000, to be disbursed under the order of the President, for the purpose of defraying the necessary expenses of a complete investigation of any and all practicable routes for a canal across the Isthmus of Panama, particularly to investigate the two routes known, respectively, as the Nicaragua route and the Panama route, with a view of determining the most practicable and feasible route for such canal, together with the approximate and proper cost of constructing a canal. On the 10th day of June, 1899, the President appointed Rear-Admiral Walker; Lieutenant-Colonel Ernst; Colonel Hains; Civil Engineers Haupt, Noble, and Burr; Hon. Samuel Pasco; Prof. Emory R. Johnson, and Lieut. Commander S. A. Staunton a commission to investigate the various routes across the Isthmus, pursuant to the provisions of this act.

The Commission entered upon its duties immediately, and on November 30, 1900, made its preliminary report to the President. I shall refer to these reports seriatim, as I come to them. The work was divided by the Commission into an investigation of (1) the Nicaragua route; (2) the Panama route; (3) other possible routes; (4) the industrial, commercial, and military value of an interoceanic canal; (5) rights, privileges, and franchises. Thirty-one working parties were organized and sent into the field, 20 into Nicaragua with about 150 engineers and assistants, 5 into Panama with about 20 engineers and assistants, and 6 into the Darien country with about 50 engineers and assistants, making a force of about 250 sent from the United States, besides about 600 laborers and others employed in the different countries.

The Commission studied the reports and other writings upon the Nicaraguan route, visited Paris for the purpose of making a thorough study of all the details, maps, profiles, etc., of the Panama Canal scheme from its inception, visited the Kiel Canal, Germany, the North Sea Canal, Holland, the Manchester Canal, England, for the purpose of studying those canals. The Commission then visited Central America and reviewed the work done by the Maritime Canal Company, which at one time commenced the construction of the Nicaraguan Canal, and actually excavated about one-fourth of a mile, but finally abandoned the entire work and forfeited the property to the Nicaraguan Government. The Commission visited Panama and inspected the work of the Panama Canal Company. They found about 2,000 workmen engaged in the excavation of the Panama Canal, and found a railroad in full operation, which they valued at $7,000,000. The Commission visited other possible routes in the Darien country, but concluded that the Panama and Nicaragua were the only feasible routes. The preliminary report concludes:

The estimated cost of building the Nicaragua Canal is about $58,000,000 more than that of completing the Panama Canal, leaving out the cost of acquiring the latter property * * *

The New Panama Canal Company has shown no disposition to sell its property to the United States. Should that company be able and willing to sell, there is reason to believe that the price would not be such as would make the total cost to the United States less than that of the Nicaragua Canal.

II. The Panama Canal after completion would be shorter, have fewer locks, and less curvature than the Nicaragua Canal. The measure of these advantages is the time required for a vessel to pass through, which is estimated for an average ship at twelve hours for Panama and thirty-three hours for Nicaragua.

On the other hand, the distance from San Francisco to New York is 377 miles, to New Orleans 579 miles, and to Liverpool 386 miles greater via Panama than via Nicaragua. The time required to pass over these distances being greater than the difference in the time of transit through the canals, the Nicaragua line after completion would be somewhat the more advantageous of the two to the United States, notwithstanding the greater cost of maintaining the longer canal.

III. The Government of Colombia, in which lies the Panama Canal, has granted an exclusive concession, which still has many years to run. It is not free to grant the necessary rights to the United States, except upon condition that an agreement be reached with the New Panama Canal Company. The Commission believes that such agreement is impracticable. So far as can be ascertained the company is not willing to sell its franchise, but it will allow the United States to become the owner of part of its stock. The Commission considers such an arrangement inadmissible.

The Governments of Nicaragua and Costa Rica, on the other hand, are untrammeled by concessions and are free to grant to the United States such privilege as may be mutually agreed upon.

In view of all the facts, and particularly in view of all the difficulties of obtaining the necessary rights, privileges, and franchises on the Panama route, and assuming that Nicaragua and Costa Rica recognize the value of the canal to themselves and are prepared to grant concessions on terms which are reasonable and acceptable to the United States, the Commission is of the opinion that "the most practicable and feasible route for an isthmian canal, to be under the control, management, and ownership of the United States, is that known as the Nicaraguan route."

This is the first report made by this commission of nine.

Mr. MITCHELL. They made their report in 1899.

Mr. CULLOM. They made their report in 1899, I think.

Mr. MITCHELL. A preliminary report.

Mr. CULLOM. Yes; a preliminary report in favor of the Nicaragua route. I want it distinctly understood that from reading all these separate reports the Commission was all the time under the impression that they could not get the Panama Canal on reasonable terms.

Mr. MITCHELL. Will the Senator allow me to interrupt him?

The PRESIDING OFFICER (Mr. FAIRBANKS in the chair). Does the Senator from Illinois yield to the Senator from Oregon?

Mr. CULLOM. Certainly.

Mr. MITCHELL. The question of the price at which the Panama concern could be bought, it seems to me, does not cut any figure in determining the question as to which is the better route.

Mr. CULLOM. Certainly not.

Mr. STEWART. What authority had this Commission to negotiate with either of the Governments through whose territory the canal would pass, or with the Panama Company? I thought they were to examine the routes and give us the engineering facts. I do not like their diplomatic reports. They seem to me to be bunglesome.

Mr. CULLOM. The Commission were not negotiating. They were simply endeavoring to ascertain, as they did finally ascertain, the fact that the Panama Canal Company was willing to sell out at a price which they thought the Government of the United States ought to give.

Mr. FAIRBANKS. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Illinois yield to the Senator from Indiana?

Mr. CULLOM. Certainly.

Mr. FAIRBANKS. I will ask the Senator from Illinois if in the act authorizing this Commission it was not expressly provided, among other things, that it should ascertain the price at which the Panama Canal could be purchased?

Mr. CULLOM. Unquestionably. It was the duty of the Commission to run down every fact connected with both routes, and this they did.

Mr. MITCHELL. There is nothing in the act and nothing in the instructions of the President which authorized them to negotiate with the Panama Canal Company.

Mr. FAIRBANKS. I will ask the Senator from Oregon, if the Senator from Illinois will allow me, if one of the essential facts in determining the cost of constructing the canal would not be the price at which the work already done could be obtained from the Panama Canal Company?

Mr. CULLOM. The Commission could do nothing about it unless they could come to some definite understanding as to what they could get the property for; otherwise their whole mission, so far as one route was concerned, would have been a failure.

On November 16, 1901, the Commission made its second report to the President. This report is a most minute one, covering all the phases of an interoceanic canal. The Commission again recommended the Nicaraguan route as the most feasible as the situation actually stood then. But we must examine these conclusions to see why that route was recommended.

The Commission, in this report, concluded that the selection of the most feasible and practicable route must be made between Nicaragua and Panama. It reviewed the water-supply features, and concluded that they were satisfactory on both lines; that it would be necessary to construct a dam to obtain a sea level on both routes, and that both dams were practicable; that the present transportation facilities were inadequate on the Nicaragua route, while there was a railroad now in operation along the entire length of the Panama route; that there were no harbors at either end of Nicaragua, while there are such harbors at both ends of Panama; that, although with the completion of the harbors as planned one route would have little the advantage of the other, the chances are in favor of Panama; that, owing to the absence of harbors and railroads, the period of preparation at Nicaragua would be twice that at Panama, namely two years. The Commission estimated that the Nicaragua Canal could be constructed in eight years, with probable delays, while the Panama Canal could be constructed in ten years, with less probability of delay.

I am giving, Mr. President, all the facts on both sides of this controversy as I gather them from the different reports. So far as I am concerned, I am not pleading especially for any particular route except as I seem to be led to do so by an examination of both sides of the question.

The entire length of the Nicaraguan route from sea to sea would be 183 miles, while the total length of the Panama route would be 49 miles. The cost of constructing the Nicaragua Canal would be $189,864,062, while the cost of constructing the Panama Canal would be $144,233,358. The estimated annual cost of maintenance and operation of the Nicaragua Canal would be $3,300,000, while

the estimated annual cost of maintenance and operation of the Panama Canal would be two millions, or $1,300,000 annually less. The Panama route would be 134.57 miles shorter than the Nicaraguan route. The Panama route has less summit elevation for locks and 26.44 miles less curvature.

I want to say that I have been influenced in my conclusions and my judgment as to what I ought to do by the general proposition that the Panama Canal would be nearer the sea level than would the Nicaragua Canal, and the Panama Canal would have less curvature and would be only about one-fourth as long as a canal at Nicaragua. It has seemed to me that the shorter the canal was the surer the ships which had to use it would be to get through without accident. So putting these facts side by side, I could not resist the conclusion that it would be safer to build the canal at Panama.

The estimated time for vessels to pass through the Nicaraguan route is thirty-three hours, while for the Panama it is twelve hours.

My honorable friends say it takes longer to get to the entrance to the Panama Canal. That is true. You have the advantage on that score, as I have already shown. About a day could be saved by the Nicaragua over the Panama route between our Pacific and Atlantic ports, and two days between our Gulf ports and north Pacific ports. Between Atlantic ports and the west coast of South America the Panama route would be two days shorter, and between the Gulf ports and the west coast of South America the Panama route would be one day shorter. The construction of the Panama Canal would be along a highway of commerce in use for three hundred years, a railroad having been in operation more than fifty years. The construction of the canal via the Nicaragua route would be along a new route.

Existing conditions indicate hygienic advantages at Nicaragua, although equally effective sanitary measures must be taken in both cases. The Republics of Nicaragua and Costa Rica are untrammeled by existing conventions or treaty obligations, and are free to grant the United States the necessary concessions, while Colombia has already made concessions to the New Panama Canal Company, and if the canal is constructed via Panama these concessions must be removed before the United States could obtain proper title. The Commission stated that the total amount for which the Panama Canal Company offered to sell its canal property to the United States is $109,141,500, which would make the Panama Canal cost vastly more ($63,000,000) than the Nicaragua. The Commission estimated that the value of the Panama Canal Company's property was but $40,000,000. The Commission concludes its second report by saying:

> There are certain physical advantages * * * in favor of the Panama route, but the price fixed by the Panama Canal Company for sale of its property and franchises is so unreasonable that its acceptance can not be recommended by the Commission.
>
> After consideration of all the facts developed by the investigation made by the Commission and the actual situation as it now stands, and having in view the terms offered by the New Panama Canal Company, this Commission is of the opinion that the most practicable and feasible route for an isthmian canal is that known as the Nicaragua route.

This is the second finding in favor of the Nicaragua route.

Mr. FAIRBANKS. Will the Senator from Illinois allow me to interrupt him for a moment?

Mr. CULLOM. Certainly.

Mr. FAIRBANKS. The Senator from Nevada [Mr. STEWART] a few moments ago interrupted the Senator from Illinois and questioned the propriety of the Commission's negotiating for terms of purchase of the canal. I wish to read, bearing upon that point, just a paragraph of the act under which the Commission was appointed:

> And the President is further authorized to investigate and ascertain what rights, privileges, and franchises, if any, may be held and owned by any corporations, associations, or individuals, and what work, if any, has been done by such corporations, associations, or individuals in the construction of a canal at either or any of said routes, and particularly at the so-called Nicaragua and Panama routes, respectively; and likewise to ascertain the cost of purchasing all of the rights, privileges, and franchises held and owned by any such corporations, associations, and individuals in any and all of such routes, particularly the said Nicaraguan route and the said Panama route.

Mr. CULLOM. Unquestionably the authority was given to the Commission to do everything that could be done to find out in any way legally what the conditions surrounding each route were and which route, in their judgment, was the better.

On January 18, 1902, the Commission made its third report to the President, in which it communicated an offer by the Panama Canal Company to transfer all its property on the Isthmus and in Paris for $40,000,000. The Commission stated in reference to this offer:

> The advantages of the two canal routes have been restated. There has been no change in the views of the Commission with reference to any of these conclusions then reached, but the new proposition submitted by the New Panama Canal Company makes a reduction of nearly $70,000,000 in the cost of a canal across the Isthmus, and with this reduction a canal can be constructed at Panama for more than $5,500,000 less than through Nicaragua. The unreasonable sum asked for the property and rights of the New Panama Canal Company when the Commission reached its former conclusion overbalanced the advantages of that route, but now that the estimates by the two routes have been nearly equalized the Commission can form its judgment by weighing the advantages of each and determining which is the more practicable and feasible. * * * It must be assumed by the Commission that Colombia will exercise the same fairness and liberality if the Panama route is determined upon that have been expected of Nicaragua and Costa Rica.
>
> After considering the changed conditions that now exist and all the facts and circumstances upon which its present judgment must be based, the Commission is of the opinion that the most practicable and feasible route for an isthmian canal, to be under the control, management, and ownership of the United States is that known as the Panama route.

RECOMMENDATIONS OF THE COMMISSION HAVE NOT BEEN INCONSISTENT.

Now, Mr. President, I have quoted at length from the various reports of the Isthmian Canal Commission for the purpose of showing that the recommendations of that Commission have been perfectly consistent, and that the Commission has not "changed base," as is popularly supposed. In every report they clearly pointed out the advantages of the Panama route, but in the preliminary report the Panama Canal Company had shown no disposition to sell its property at all, and the Commission had to recommend the Nicaragua route. In the second report the canal company asked such an exorbitant price that the Commission could not recommend the Panama route over the Nicaragua route, when it would cost $60,000,000 more to build the canal by the Panama route. In the third report, when the Panama Canal Company offered to sell its property at the estimate which the Commission placed as its actual value, the Commission at once recommended the Panama as the most feasible and practicable route.

In addition, we have the sworn testimony of Commissioners Walker, Noble, Morison, Hains, Burr, and Ernst before the Committee on Interoceanic Canals, stating substantially that the Panama route is the best, and that they would have recommended that route in their first and second reports had the Panama Canal Company offered to sell its property for $40,000,000 in the first place.

Admiral Walker said:

> I think that the engineering features of the Panama route are better than those of the Nicaragua route, although both routes are feasible. I think if the French company had come forward with a direct offer and a reasonable offer for their property, the report itself would have been in favor of the Panama route.

Commissioner Noble said:

> On the basis of equal cost of the two routes, my preference would be for the Panama Canal.

Commissioner Morison said:

> Well, I can only speak for myself in that respect. I never should have signed any report recommending the Nicaragua route in preference to the Panama route except on the ground that I felt that the United States could not afford to be held up by a French organization.

Commissioner Hains said:

> If it had been a question of mere practicability and feasibility, uncoupled with anything else, I should have said that the Panama route was the most feasible; but coupled with this other condition, and seeing no prospect of getting a transfer, my idea was that the only practicable route was the Nicaragua route.

SANITARY CONDITIONS OF PANAMA.

It has been stated that the Panama route is "unhealthy," and that the completion of the canal via that route will result in terrible loss of life. But the testimony of members of the Isthmian Canal Commission does not entirely substantiate that statement. Admiral Walker testified that, while there was great loss of life in building the Panama railroad, and when they first went to work on the canal there was a good deal of sickness, the surface material from which this sickness is supposed to come has been largely removed, and of late years it is as healthy as anywhere in a tropical country; that as it stands to-day Nicaragua is a healthier route because there is no work of that kind being done and very few people to get sick, but when you get to turning up the ground there will be sickness there, as there would be anywhere.

Commissioner Noble testified:

> As far as present conditions are concerned—that is, present sanitary conditions—I think the advantage is altogether in favor of Nicaragua. When work is undertaken on either route the conditions will be less favorable, owing to the stirring up of the mud in the swamps and the soil; stirring up the soil anywhere increases the sickness beyond doubt. I should think that as the unfavorable conditions developed the aggravation would be greater, perhaps, in Nicaragua than in Panama, and what the total result would be under the new conditions I am not by any means certain, though I think the advantage would still be with Nicaragua.

Commissioner Morison:

> I think the diseases at Panama are very largely due to artificial conditions. The Isthmus of Panama has always been an unhealthy place. It has been inhabited for four hundred years, and I think you may say that there is not a water pipe or sewer on the whole Isthmus. * * * I think we know now how to handle the sanitary conditions at Panama. The first thing to do on the Isthmus is to get a supply of good water, and next dispose of sewage. With these two conditions met, three-fourths of the sickness on the Isthmus will disappear.

Commissioner Burr:

> I do not think there is any difference between the two routes (so far as health conditions are concerned) that is sensible. There is at Panama a great deal of sickness, but this is a line of continuous population from one ocean to the other. * * * On the Nicaragua route there is nobody there to be sick. * * * I believe that if a large force of laborers were put upon the Nicaragua Canal for its construction, and there were brought into that country the seeds of disease that have been brought into Panama, there

would be practically the same conditions to deal with at one place as in the other. It is equally malarial, naturally. The death rate of Nicaragua at Managua and other towns is appallingly high.

VOLCANOES AND EARTHQUAKES.

But there is another material fact why the Panama route should be selected, and that is the danger to the canal, if constructed through Nicaragua, from volcanoes. The terrible lesson which we have witnessed in the recent destruction of St. Pierre, by a volcano long supposed to be extinct, will not soon be forgotten by the world. There are said to be many volcanoes in the vicinity of the Nicaragua route, most of them supposed to be extinct. The fact is the whole Isthmus between North and South America is a volcanic region—perhaps the most noted volcanic region in the world. There are three volcanoes in Lake Nicaragua itself, one or two of which are still said to be active. As I understand it, there are no volcanoes near enough to the Panama route to be considered dangerous. These volcanoes within the vicinity of Nicaragua, or in Lake Nicaragua, may never become actively destructive, and again they may. This is not within human knowledge to foretell. But the fact that there are one or two active volcanoes in Lake Nicaragua should have very great weight in the selection of the Panama route.

Both Nicaragua and Panama are subject to earthquakes, but in neither country has any great destruction resulted from them. The Isthmian Canal Commission concludes that there is very little danger from earthquakes, the works of the canal being underground, the dams being low, with broad and massive foundations.

The dangers from volcanoes and earthquakes are of course merely speculative. In either route there seems to be danger from earthquakes; but by selecting the Panama route we can, at least, avoid the possible danger from volcanoes. However, if it is found that we can not obtain a good title from the Panama Canal Company or the Government of Colombia, we will go ahead with the construction of the canal along the Nicaragua route, and take whatever risk there may be from volcanoes. The two routes being equally dangerous in some respects, the whole country being a volcanic region, we should first attempt to construct so great a work in the least dangerous portion of a dangerous country.

CONGRESS SHOULD BE GOVERNED BY RECOMMENDATION OF COMMISSION.

Mr. President, it seems to me that our action in the selection of a route should rest largely with the recommendation and report of the Isthmian Canal Commission. I confess that if I myself believed the Nicaragua route was the better, I should hesitate very greatly before I would throw my judgment against that of a commission composed of such men as reported in this case. The integrity of the members of that Commission has not and can not be successfully questioned. Among the members of the Commission are able and experienced engineers and Army officers, selected by the late President, not on account of any political reasons, but on account of their ability alone, having no possible interest in any particular route.

That Commission was created by act of Congress to make this investigation and report. We appropriated a million dollars to secure that investigation and report. That Commission has spent more than two years in making as thorough an investigation of the Isthmus, and of both the Nicaragua and Panama routes, as it was possible to make. That Commission has made a unanimous report in favor of the Panama route, and I can not see how Congress can now very consistently select any other route, especially when that report and recommendation are sustained by convincing and unanswerable reasons.

THE PANAMA ROUTE SHOULD BE SELECTED.

We are called upon to choose between a route 183 miles long and one 49 miles long; between a route costing $189,000,000 and one costing one hundred and eighty-four millions; between a route which will annually cost $3,300,000 to operate and maintain and one that will cost two millions to operate and maintain; between a route that will take but twelve hours to navigate and one that will take thirty-three hours; between a route that has been a highway of commerce for three hundred years and one that has never been used; between a route the entire length of which there is now in operation a ralroad worth $7,000,000 and a route with no transportation facilities.

I think, Mr. President, for all these reasons, that the Panama route should be selected.

Now, Mr. President, I have gone over the reasons why I think the Panama route is preferable to the Nicaragua route. Notwithstanding, however, any superiority which Panama possesses over Nicaragua, there remain two absolute conditions which must be complied with to the entire satisfaction of the United States before the Panama route is finally selected, even if Congress shall legislate in favor of the Panama route. These two conditions are:

I. The Panama Canal Company must convey to the United States a satisfactory title.

II. A convention must be entered into with Colombia giving to the United States permission to construct the canal through Panama, and a satisfactory control of it when constructed.

If either of these conditions can not be complied with the Panama route should be rejected.

TITLE OF THE PANAMA CANAL COMPANY.

As to the first condition, namely, the conveyance of a satisfactory title to the United States by the Panama Company, the Panama Canal Company must not only do this, but it must be made absolutely sure at the same time that there can be no possible legal right for a claim on the part of the stockholders of either the old or new Panama Canal Company against the United States on account of the transfer of the property of that company to the United States. I wish to emphasize that statement. So far as I am concerned I want it distinctly understood that whatever route we agree upon there must not be, if I can help it, any future trouble in reference to it. We must have a clear title and must not be annoyed for the next hundred years by claims from Paris or anywhere else.

I assume that the Panama Canal Company can convey a satisfactory title to its property to the United States. The title of the Panama Canal Company has been very elaborately discussed in the report of the Committee on Interoceanic Canals of the Senate. The majority of the committee argued that the Panama Canal Company can not convey a satisfactory title to the United States, while the minority maintained that it can.

I do not think it is necessary that we should enter into a discussion of that question now, because if the Spooner amendment is adopted, that title, whatever it may be, will be given a close, careful, and exhaustive examination by the responsible law officers of the Government before the offer of the Panama Canal Company is accepted. If the title is found not to be satisfactory for any reason whatever (and this is left largely within the discretion of the President), then the offer of the Panama Canal Company will be rejected and the President will direct that the canal be constructed by the Nicaragua route, providing, of course, a satisfactory arrangement can be made with Nicaragua.

PROPOSED TREATY WITH COLOMBIA.

As to the second condition, namely, a satisfactory treaty with Colombia, I desire to say generally that the country through which this canal is constructed, whether it be Panama or Nicaragua and Costa Rica, must give to the United States such jurisdiction and control over the zone of territory through which the canal shall run as will positively preclude any interference or control by either of those countries. The United States must have the control and protection of its canal.

I do not apprehend that there will be much difficulty about securing a satisfactory treaty with Colombia. The relationship between the United States and Colombia has always been exceptionally friendly. By the treaty of commerce of 1846 between the United States and Colombia, the United States was given the right of transit across the Isthmus of Panama upon any modes of communication then in operation or that might thereafter be constructed, including a canal, if such a work should be constructed, on the same terms and conditions as citizens of Colombia, or New Granada, as it then was. The United States, by this convention, guaranteed the neutrality of the Isthmus and the canal, should one be constructed.

Colombia has recently signified its willingness to grant the most liberal concessions to the United States.

In a note to the Secretary of State, dated March 31, 1902, the Colombian minister, speaking in behalf of his Government, assures us that—

> If the people of the United States evince an earnest desire that their Government apply its energy and Treasury to the completion of the canal, Colombia not only will not place any obstacle whatever in the way of such a purpose or keep her concessions within the bounds of those previously conceded to private enterprise, but will enlarge those concessions to such an extent as to renounce a demand for the ownership after the lapse of a number of years of operation, as stipulated in the French company's contract; she will grant the use of a much more extensive zone than that originally conceded for the execution of the work; extend facilities in all the ports of the Republic for cooperation in the work of the enterprise, relinquish her proprietary and usufructary rights in the Panama Railway, and, lastly, forego a fixed participation in the proceeds of the canal, confining her demands to fee of annuity for the price of the zone, the revenues of the railway and the heavier expenses put upon the public administration in the Isthmus by the increase of population and the traffic consequent to the work on the canal itself.

The minister from Colombia has submitted a memorandum of points to be embodied in a convention for the construction and management of the canal.

That proposed convention stipulates for the transfer of the property of the New Panama Canal Company to the United States. It provides that the United States shall have the exclusive right to excavate, construct, maintain, operate, control, and protect a maritime canal, and also the same rights for the construction, maintenance, operation, control, and protection of railway, telegraph, and telephone lines, canals, dikes, dams, reservoirs, and such other auxiliary works as may be necessary and

convenient for the construction, maintenance, protection, and operation of the canal. It gives to the United States the use of a zone of territory along the route of the canal, 5 kilometers in width on either side thereof, for a term of one hundred years, renewable at the option of the United States for periods of similar duration.

I shall not go over in detail this memorandum. If we find that it is not correct in all its details, and that it will in any way hamper the United States in our control and protection of the canal, we can amend it; and whatever those amendments may be, if they are reasonable and fair, I do not believe we will have any difficulty in inducing Colombia to accept.

As was stated in the letter of William Nelson Cromwell, general counsel for the New Panama Canal Company, speaking for the minister of Colombia in reference to the proposed convention:

But Colombia is in the dark as to the precise desires and needs of the United States upon the subject, and Minister Concha can not, of course, anticipate in his first statement all the reasonable requirements of this Government. He wishes, however, to manifest in the most hearty manner, the desire of his Government to facilitate the purposes of the United States, and this disposition is manifested by the comprehensive convention which he has this day submitted to you, but not as an ultimatum.

The United States, in my opinion, will have very little trouble in securing practically any reasonable concessions that we may desire from Colombia. Colombia, of course, wants an interoceanic canal constructed through Panama, and she certainly must appreciate now that she can never hope to obtain such a canal until a great country like the United States, with unlimited capital at its disposal, shall undertake to construct it. It is therefore to her interest to give the United States all the concessions we may desire, and we shall certainly never spend these millions of dollars unless we can obtain a treaty satisfactory in every respect.

PROPOSED TREATIES WITH NICARAGUA AND COSTA RICA.

Protocols between the United States and Nicaragua and Costa Rica were signed on December 1, 1900, by which Costa Rica and Nicaragua, respectively, agreed with the United States to enter into negotiations with the United States to settle the plan and the agreements in detail found necessary to accomplish the construction of a ship canal via Costa Rica and Nicaragua, and to provide for the ownership of said canal when the President of the United States is authorized by law to acquire control of such portion of the territory of Nicaragua and Costa Rica, respectively, as may be necessary on which to construct such a ship canal. These protocols were signed when the first Hay-Pauncefote treaty was pending in the Senate, and both provide that the course of said canal and the terminals thereof shall be the same that were stated in that treaty. A draft of a proposed convention with Nicaragua has been agreed to, and is found in a report submitted by the Senator from Alabama on May 26, 1902.

By this proposed convention with Nicaragua, the United States is leased in perpetuity the exclusive right to construct, own, and operate a ship canal through the territory of Nicaragua, and the United States guarantees in perpetuity the sovereignty, independence, and territorial integrity of the Republic of Nicaragua.

If the canal is constructed over the Nicaragua route, the United States will be obligated to pay to Nicaragua $6,000,000 in cash, and an annual rental of $25,000 in gold for the possession of the territory perpetually leased.

In addition to this, it appears from an extract of a message from the President of Costa Rica that the United States must pay to Costa Rica in cash $1,500,000 for the use of such portion of the territory of that country for canal purposes (whether we will be required to pay rent thereafter does not appear), and that Costa Rica will have to amend her constitution before she can enter into the proposed treaty with the United States. Costa Rica is, therefore, not in a position to enter into treaty with the United States, and may not be able to amend her constitution for several years, if at all.

From a report presented by the Senator from Alabama, it would appear that we will have to pay Costa Rica $1,000,000, and $10,000 annually as rent.

COMPARISON OF RENT TO BE PAID BY THE UNITED STATES.

So, Mr. President, if the canal is constructed over the Nicaragua route, we must pay immediately in cash $7,500,000 to Nicaragua and Costa Rica and $25,000 annually to Nicaragua, and perhaps some rent to Costa Rica.

If the canal is constructed by the Panama route, it appears from the proposed convention with Panama that we will immediately be obliged to pay to Colombia $7,000,000 in cash, and fourteen years thereafter a fair and reasonable annuity. In other words, we must pay $7,000,000 in cash, no rent for fourteen years, and thereafter a fair and reasonable annuity, to be agreed upon three years before the expiration of said fourteen years, said annual rental to be fixed once in each one hundred years. If the parties are unable to agree as to said annuity it is to be determined by arbitration. The proposed treaty with Colombia further provides:

In fixing this fair and reasonable annuity there shall be taken into consideration the present price of the usufruct of the railway as well as the compensation that is to be stipulated for the use of the zone and for the additional administrative expenses that the construction of the canal will impose upon Colombia, and also the advanced payment of $7,000,000, and the comparative cost and conditions upon which the United States reasonably could have expected to acquire concessions satisfactory to it in respect of any other canal route.

So, Mr. President, if we accept the Panama route, our first payment will be $500,000 less than if we accept the Nicaragua route. What will be our annual rental for the use of the Panama territory can not now be determined, but the conditions of the proposed treaty with Colombia are such that we are amply protected against being compelled to pay an unreasonable or exorbitant rent.

Mr. HARRIS. Will the Senator from Illinois allow me?

Mr. CULLOM. Certainly.

Mr. HARRIS. Has the Senator taken into consideration the necessity also for supplying the cities of Panama and Colon with waterworks, which is required by the Colombian Government?

Mr. CULLOM. I believe the suggestion of a treaty requires that, and if we should agree to it it might cost us something additional. But all this, so far as an absolute agreement is concerned, will be for future consideration, first, by the President and the Administration in making the agreement, and after that it will come to the Senate for consideration and approval or amendment, as we see proper. I merely narrate the cash payments——

Mr. HARRIS. The other is immediately contemplated.

Mr. CULLOM. The other, of course, would come in for consideration, and I have no doubt if it should be agreed that we should supply those cities with water it would be a very easy thing to do with our facilities.

Mr. HARRIS. It is not at all any easy thing.

Mr. CULLOM. It is not an easy thing? The Senator from Kansas is an engineer and has been upon the property, and I have not. I supposed it would not be a difficult thing, but whatever it is, if it is agreed to by the Government, we will adhere to it.

I assume that we will have to pay greater annual rent for the Panama route than for the Nicaragua, but in this connection we must not lose sight of the fact that it will cost us annully $1,300,000 more to operate and maintain the canal via Nicaragua than via Panama.

CONCLUSION.

For the reasons I have given I am in favor of the adoption of the SPOONER amendment, which insures the construction of the isthmian canal, first, by the route that I believe to be the best one, namely, the Panama, and if not via that route then by the only available remaining route, the Nicaragua.

Mr. President, I have given my views in connection with the historical statement of facts in relation to the canal. I have done it not as a partisan of one line or the other. I merely assert as my conclusion, which will govern the casting of my vote, that we are safer in adopting the Panama route than we would be in adopting the other, because you will get a shorter route, less liable to become involved or in trouble; and it is more feasible for vessels to go through the Panama route, because it will take so little time to get through. Altogether, it seems to me that we ought to adopt that route.

Mr. KITTREDGE. Mr. President, it is not my purpose to discuss the relative merits of the Panama and Nicaragua routes. The fact that the Isthmian Canal Commission unanimously recommended the adoption of the Panama route presents an argument unanswered and unanswerable. This recommendation covers all matters of construction, including the Bohio Dam, which the Senator from Kansas has seen fit to criticise. Nor is it my purpose to discuss, at this time, at any rate, the legal questions involved in the title of the New Panama Canal Company. The records of the French courts and the French laws before the Senate and the testimony before the committee of Senator Pasco, a member of the Commission charged with the special duty of investigating this subject, establish the sufficiency of that title. I have nothing to add to the statement of the views of the minority of the subcommittee on legal questions, which I signed. I propose now to point out only certain other matters of the highest importance which have been overlooked or misapprehended.

In all the discussion of the question of the route to be chosen for an isthmian canal, both in Congress and outside of it, there has been, on the part of the advocates of the Nicaragua route, an extraordinary assumption that if that route should be selected the necessary concessions from Costa Rica and Nicaragua were assured, the work of construction could be begun without delay and no legal questions or complications would be met. It has also been assumed that the Commission's estimate of the cost of the Nicaragua Canal covered every item of expense, as it does in the case of the Panama Canal, and that the difference of about $5,000,000, shown by the Commission between the cost of the two canals, represented the total additional expense which we should incur if we adopted the Nicaragua route.

The Senator from Washington, starting with this assumption, even attempted to go further and to show that it was the estimates for Panama which did not cover all items of expense.

These assumptions are clearly erroneous. They must be corrected and the true situation must be understood before we can be in a position to appreciate properly the relative advantages of the two routes, with respect to concessions, legal difficulties, cost, and the time within which a canal by either route may be begun and may be completed. In fact, as the documents before the Senate show, in respect of all these matters the situation is far clearer, simpler, and plainer as to the Panama route than as to the Nicaragua route, and a canal by the latter route will cost not merely five, but an indefinite number of millions more than at Panama.

At Panama the whole route lies within the territories of one State—the Republic of Colombia. A form of treaty has been submitted by the Government of Colombia, not as a finality, but as a basis for negotiation, and we have no reason to doubt that, with the readiness which that Government has shown, a satisfactory treaty can be finally made. This will settle, by one instrument, everything concerning concessions and control, and there is no reason to expect any delay in reaching a result.

There has been criticism of the terms of the treaty proposed by Colombia which must receive consideration in any final negotiations. But two things must be borne in mind. One is that any treaty before it becomes a finality must be submitted to the approval of the Senate, and therefore neither this body nor the United States can be considered committed to any terms of a mere proposal which has not been so submitted. The other is that this proposal of Colombia was made without her being able to obtain any information from any authorized officer or agent of this Government of its desires or expectations.

In a letter to the Secretary of State by the counsel of the New Panama Canal Company of March 31, 1902, prepared at the request of the Colombian minister and submitted with the treaty, he says, for the minister:

> But Colombia is in the dark as to the precise desires and needs of the United States upon the subject, and Minister Concha can not, of course, anticipate in his first statement all the reasonable requirements of this Government. He wishes, however, to manifest in the most hearty manner the desire of his Government to facilitate the purposes of the United States, and this disposition is manifested by the comprehensive convention which he has this day submitted to you, but not as an ultimatum.

And in his own letter of the same date the minister says, upon the question of the sum to be paid, which was so much a subject of concern to the Senator from Washington:

> Colombia has no lust of unjust gain through the construction of a canal in her territory, and a final convention on this subject will not be hampered by pecuniary considerations. (Senate Doc., May 16, 1902.)

The Secretary of State has taken the position always that, in advance of authority from Congress, he could not even negotiate upon the subject; he could only receive and transmit to Congress whatever proposals or suggestions Colombia chose to make. The submission of this form of convention under such circumstances is a proof of Colombia's good will, and the accompanying communications show the liberal spirit in which she is prepared to take up the subject whenever any officer of this Government is authorized to negotiate. More she could not do, and it is impossible from her action to infer anything but the most reasonable desire to satisfy our just requirements. And if we make a treaty with Colombia we have no other power to consider and no other agreement to obtain.

Upon the Nicaragua route the situation is very different. There we must deal with two countries—Nicaragua and Costa Rica. It has been recognized that our control must extend over a belt at least 3 miles in width on each side of the axis of the canal. For a long distance in the eastern part of the route the projected canal lies either in the San Juan River, which there forms the boundary between Nicaragua and Costa Rica, or so near it that the 3-mile strip to the south of the canal will lie wholly, or almost wholly, in Costa Rican territory. The very foundations of the Conchuda Dam, the key to the whole eastern division of the canal, must be laid half in Costa Rican soil, and the construction of that dam will flood great areas of Costa Rican territory.

Of the 54 sluice gates required in connection with the dam, 32 are to be in Costa Rica, and the Commission says:

> A portion of the dam across the river and the swamp on the Costa Rica side, for a total distance of 731 feet, will consist, below low water, of caissons placed close together, with the joints between them sealed. * * * Core walls extend 100 feet farther on the Costa Rica side and 240 feet on the Nicaragua side. (Rept., November 16, 1901, p. 158.)

It has been necessarily recognized by everybody that a treaty with Costa Rica is as essential as one with Nicaragua, and that without treaties with both these countries the construction of the canal can not be even begun.

Nicaragua, like Colombia, has submitted a proposed form of treaty. It is not as complete as that submitted by Colombia, and contains unsatisfactory provisions, to which I shall refer hereafter—provisions which, if they are not changed, open up a prospect of almost limitless expense to this Government. But we should, no doubt, consider this proposed Nicaraguan treaty as only tentative, like that proposed by Colombia, and should expect that reasonable modifications of the terms proposed may be obtained, as well as satisfactory provisions upon points not covered.

With Costa Rica the case is very different. Not only has she proposed no terms but she has expressly stated her total inability to enter into any treaty without an amendment to her constitution. By an official communication to this Government (Sen. Doc., May 16, 1902) Costa Rica says:

> In consequence thereof the Government is powerless to enter into positive negotiations with that of the United States of America unless there shall be previously passed a constitutional amendment by which such concessions for the construction of the interoceanic canal may be authorized or the matter referred to public opinion in some other way by calling a constituent assembly for the purpose.

Whether a constituent assembly would ever be called by the Government of Costa Rica for this purpose we do not know. They do not offer nor apparently intend to call one, at any rate, at present. What action such an assembly would take can be only matter of conjecture. The Government of Costa Rica, unlike those of Nicaragua and Colombia, makes no proposals and holds out no hopes. They say simply that they can make no treaty and enter into no negotiations now.

Thus the route of the Nicaragua Canal is blocked by an impossible barrier—a barrier which may be removed, indeed, but which is none the less a positive bar while it remains, and of the removal of which there is no present prospect. Even were the Government of Costa Rica ready at once to take steps to remove this obstacle it is obvious that a long time must elapse before the constitution of that country could be amended, even supposing that the people are willing to amend it, and this amendment would be but the prelude to negotiations between Costa Rica and this country, which would, in any case, be necessary before a treaty could be made.

As matters stand, no treaty can be made, no negotiations can be begun, even, and we must wait until the constitution of Costa Rica has been amended before we can so much as learn the disposition of that country toward the plan.

None of the Senators who have spoken in favor of the Hepburn bill has referred to this statement of the inability of Costa Rica to enter into negotiations. The Senator from Alabama based his contention that the way was clear in respect of treaties for the Nicaragua Canal upon two protocols signed in December, 1900—a year and a half ago—by the ministers of Nicaragua and Costa Rica, respectively, and the Secretary of State of the United States. Apparently he overlooked the fact that Nicaragua had formulated, to some extent, by her expectations, and that Costa Rica had declared her inability to comply with her protocol. It is therefore the more necessary to direct the attention of the Senate to this situation.

The Costa Rican protocol of 1900 is as little to the purpose now as any other obsolete agreement. Nothing has ever been done under it, and the Government of Costa Rica has declared that it is constitutionally unable to carry it out. We can not undertake to compel that Government to violate the constitution of the country; we can not interfere in its domestic affairs and force it to amend its constitution or call a constituent assembly; we can not seize upon its territory by force and occupy it in spite of its laws.

Nor is the protocol of 1900 of any value. Taken at its utmost it only requires Costa Rica to "enter into negotiations." Suppose that Costa Rica did this, and thus complied strictly with the protocol. We should finally reach the same point of constitutional inability, and the negotiations would be without result. What should we do then? It can not be supposed that we should use force—should go to war, yet we must either do that or abandon the canal, or await the good pleasure of Costa Rica in dealing with us.

Nor can we complain if the Government of Costa Rica abides by the rules of her constitution. Even if they were willing to do otherwise, what virtue would there be in any treaty in the execution of which the officers of that Government exceeded their constitutional powers? It would be no treaty, and from it we neither ought to acquire nor could acquire any rights.

But we need not consider that question, for no such treaty will be made. Costa Rica will not even negotiate. Therefore the fact is that we can not obtain the concessions requisite for the construction of the Nicaragua Canal, and so far from that route being open to us, it is absolutely closed. At Panama, on the other hand, the way is open for negotiation with every prospect of a satisfactory result.

The utmost effect of the protocols of December, 1900, concerning the Nicaragua route, were they still in force and of binding validity, would be that the two countries whose consent is necessary to the use of that route would negotiate concerning the rights which we require. That condition exists now respecting the Panama route, where Colombia is ready to negotiate. It does not exist respecting the Nicaragua route, where one of the countries without whose consent we can not proceed is absolutely unable even to discuss the question of permitting us to do so.

If the Senators from Kansas and Washington had been aware of this situation they surely would not have advocated the passage of the Hepburn bill. Both Senators dwelt much upon the desirability of avoiding delay, and the Senator from Kansas, in answer to a question of the senior Senator from South Carolina, said that he understood that ample concessions could be had from Costa Rica. The Senator had been misinformed. Had he known the fact that no concessions of any kind can be had from Costa Rica, it must have modified his views. Both Senators expressed an ardent wish for an isthmian canal in the shortest possible time. With that wish I sympathize. It is my own. But it can not be gratified by selecting a route where no canal can now be built and excluding the only route where a canal can be built at once.

It is the plain fact which we must look in the face, of which we are warned and of which all the country will, sooner or later, become aware, if it is not aware now, that to pass the Hepburn bill can have absolutely no other effect than to delay indefinitely the construction of an isthmian canal. I desire to call the attention of the Senate to the fact that to pass that bill will be a perfectly futile proceeding; it will direct the President to do what we know that he can not do, and will mean simply that there shall be no canal. This is not matter of argument or inference, but of plain, indisputable fact, officially known, and for that reason, if for no other, I am against that bill.

The assumption of the supporters of the Nicaragua route is, therefore, as I have said, the exact opposite of the real fact. The Panama route, where they have assumed that difficulties exist with regard to a treaty, presents no such difficulties; the Nicaragua route, where they have assumed that no such difficulties exist, is absolutely closed to us by an obstacle which is, for the present at least, insuperable.

Equally the reverse of the fact is the assumption that legal questions and complications exist at Panama to any unusual or extraordinary extent, and that no such questions exist at Nicaragua.

At Panama there are no concessions whatever except those of the New Panama Canal Company and the Panama Railroad Company, which we shall acquire if we adopt that route. All the property which we are to purchase there belongs to the New Panama Canal Company, and came to it by purchase under authority of court from the receiver of a dissolved corporation, in a way which is clear and simple and presents no difficulties. The receiver has been authorized by the court to join in the conveyance for further assurance. Of course the law officers of the Government will examine the title to this property critically, as they would do in the case of any other purchase by the United States. But the title is all of record; it comes through court proceedings, the validity of which is easily determined and can be speedily and with certainty passed upon.

Mr. MITCHELL. The Senator does not mean to be understood in the statement he makes that the New Panama Canal Company is the owner of all the property on the Isthmus of Panama which it undertakes to sell to us? He does not mean to be understood as including in that statement the Panama Railroad?

Mr. KITTREDGE. I certainly do; that is, all the stock of the Panama Railway Company but a very small minority of the stock.

Mr. MITCHELL. Is it not a fact, though, that the New Panama Canal Company is not the owner of the railroad, but is simply the owner of a majority of the stock in the railroad?

Mr. KITTREDGE. That states the case precisely. The New Panama Canal Company owns, in round numbers, 69,000 out of the 70,000 shares of stock of the Panama Railroad Company.

Mr. MITCHELL. But the Panama Railroad Company was organized under a charter of the State of New York, and it is to-day managed and controlled by a board of directors having their office in New York, and residing there. The company has not been changed. The road is owned by the company, and, as the Senator states, all the interest the new Panama Canal Company has is simply a control of the stock.

Mr. KITTREDGE. The fact is——

Mr. MITCHELL. So if we purchase this property we undertake to purchase 69,000 shares of the stock of the Panama Railroad Company. I desire to suggest to the distinguished Senator now speaking whether, in his judgment, the United States can take and own stock in a railroad company.

Mr. KITTREDGE. If the United States can construct a canal, it can do all that is necessary to accomplish that purpose, including the purchase of stock in the Panama Railway Company, which is necessary in order to successfully build and construct and operate the canal.

Mr. MITCHELL. I suggest to the Senator that the question as to whether the Government of the United States can take and hold and own stock in a private corporation is one that is entirely separate and distinct from the question as to whether the Government can build a canal.

Mr. KITTREDGE. If the Senator from Oregon has any trouble on that score, there is a very easy method pointed out by the statutes of the State of New York by which all the difficulties he suggests may be remedied. The statutes of the State of New York, cited in the views of the minority, point out a very easy and speedy way by which that corporation can be dissolved, and in that way, if in no other, can title to the Panama Railway Company be secured.

Mr. MITCHELL. I simply desired to have the facts before the Senate.

Mr. KITTREDGE. No real defects have been suggested; everything appears regular and in accordance with the practice of courts everywhere, and at any rate no long time can be required for the law department of the Government to satisfy itself upon all points. When this has once been done, all legal questions are disposed of. The title of the New Panama Canal Company is the only matter to be considered, and its examination will be speedy and simple. Since, moreover, the New Panama Canal Company already owns nearly all the lands which will be required in any way in the construction of the canal, there is no prospect of any subsequent legal questions of any importance.

At Nicaragua, on the other hand, the legal questions are intricate, numerous, and troublesome.

In the first place, absolutely none of the land needed will become ours at once. In the proposed treaty with Nicaragua this Government is to be given free right of way through public lands and to be allowed, at its own expense and upon paying for them, to condemn the lands of individuals and corporations which it may need. While much of the canal line east of the lake lies through a wilderness, yet it is obvious that in the more than 110 miles of the route, exclusive of the lake, many parcels of property of individuals must be taken. Nor can we even guess how much of the unimproved land may be claimed or held by others than the Government of Nicaragua. Plainly an indefinite amount of litigation and number of legal questions will arise here.

As to lands in Costa Rica, since the country declares itself unable even to negotiate for a treaty, nothing can be said, except that this fact makes it impossible for the United States to procure the necessary lands in that country in any manner, at any time, at any cost.

Mr. CLAY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Georgia?

Mr. KITTREDGE. Certainly.

Mr. CLAY. Do I understand the Senator to contend that it is utterly impossible to get a good title to a strip of land through Costa Rica on which to locate this canal, and that Costa Rica will have to amend her constitution in order to enable us to get a good title? Is that correct?

Mr. KITTREDGE. My contention is that Costa Rica is constitutionally unable at the present time to make any treaty or to enter into any negotiation; and that is clearly stated in her official communication to this Government of recent date. My argument, based upon that official fact, is that, for the present at least, so far as the Nicaragua route is concerned, we are unable to proceed.

Mr. CLAY. Is it not true that the minority of the committee recommend that in the event we can not get a good title to the Panama route, after an investigation by the law Department of the Government, we proceed at once to construct a canal on the Nicaragua route? The bill of the minority that the Senator is supporting provides, as I understand it, that if we can not get a good title to the Panama route, we shall proceed at once to construct a canal on the Nicaragua line.

Mr. KITTREDGE. Always assuming, of course, that we can secure the necessary foundation—the right to construct a canal through Costa Rican and Nicaraguan territory.

Mr. MITCHELL. If the Senator will allow me, is it not a fact that the Nicaraguan Government has given assurance to the Secretary of State that the difficulties to which the Senator refers will be put out of the way in a very short time?

Mr. KITTREDGE. There has been, so far as I know, no official declaration to that effect. It is stated that there is private correspondence to the effect that they are willing to negotiate after we have selected a route. That is as far as they have gone, and as far as I know anyone who advocates the Nicaraguan route has ever claimed that Costa Rica has gone.

Mr. MITCHELL. That is as far as any of them have gone.

Mr. KITTREDGE. Officially Costa Rica says she is constitutionally unable to proceed even to negotiate a treaty which will give us the right to pass through her territory in the construction of a canal or otherwise.

Mr. CLAY. How long will it take Costa Rica to amend her constitution?

Mr. KITTREDGE. That is a matter purely of conjecture, and one of the things which I think ought to cause the advocates of the Nicaraguan route to pause and give it serious consideration.

But the legal questions connected with the acquisition of the necessary lands for the canal, important and complicated as they are, are of less importance than those arising from the concessions already existing or asserted to be existing, which, if maintained, would still further impede and complicate, if not prevent, the construction of the Nicaragua Canal, at any rate until some means has been found of removing them.

Three concessions have been granted which would affect the construction of the canal:

First. The Pellas concession.

Second. The Atlas concession.

Third. The Maritime Canal Company's concession.

The Pellas concession was granted by Nicaragua on March 26, 1877. It gave an exclusive privilege for the navigation of the San Juan River and Lake Nicaragua by steam. It was transferred, through various holders, to the Atlas Steamship Company, an English corporation, and is now owned by the Carribean and Pacific Transit Company, a subsidiary corporation of the Atlas Company. There can be no question that the construction of the Nicaragua Canal would involve a violation of this concession. It expires, it is true, in November, 1904, but this would involve a delay such as the advocates of the Nicaragua Canal so much deprecate, and which we must all desire to avoid, of more than two years.

The Atlas Company holds a concession from Nicaragua for the exclusive navigation of the Silico Lagoon and the exclusive right to build railways and tramways along the lower San Juan for thirty years from September 30, 1897—that is, until September 30, 1927. This contract was not to be an obstacle to contracts which Nicaragua might make relative to the opening of an interoceanic canal. Whether this phrase means that no such contracts, though impairing the concession, shall give a right to compensation, or whether it means that the holders of the concession can not prevent the making and carrying out of such contracts, but may claim compensation for injury sustained by them, are questions of importance and of no easy solution. Yet they must be settled before we can know where we stand or what we must pay in respect of any concessions granted us by Nicaragua.

But far more important and serious than the Pellas or Atlas concessions are those of the Maritime Canal Company.

The Maritime Canal Company of Nicaragua was chartered by act of Congress of February 20, 1889. It acquired from the Nicaragua Canal Construction Company exclusive concessions from Nicaragua and Costa Rica, to run for ninety-nine years from the opening of the canal to commerce, for the construction through the territories of the two Governments of a ship canal connecting the Atlantic and Pacific oceans. This concession had been originally obtained by A. G. Menocal, an engineer formerly in the service of this Government, and had been by him transferred to the construction company.

Out of more than $22,000,000 of stock issued by the company only about $1,000,000 was issued for cash. About $3,200,000 was issued for work done, as were also bonds to the amount of $1,855,000. These facts appear by the report of the company to the Secretary of the Interior of November 30, 1901.

The company proposed to construct a canal according to plans of Mr. Menocal, but these plans, made without sufficient investigation, were radically defective and impossible of execution. They comprised a dam at Ochoa which three separate commissions—the Ludlow board of 1895, the Nicaragua Commission of 1897, and the Isthmian Canal Commission of 1899—have pronounced impossible; and a basin where walls were to be be formed in part of a supposed range of hills which does not exist, and in part of embankments greater than any ever built for such a purpose at places where the Isthmian Commission found the soil so soft that a gas pipe sank of its own weight for 80 feet. These things illustrate the manner in which the company set about its work.

Work was begun, however; dredges were brought from Colon, part of the line was cleared, some service railway built, and a short stretch of canal partially excavated in the swamp near Greytown. In 1893 the construction company failed and was wound up; construction wholly ceased and has never been resumed, and whatever either company had of property in Nicaragua was substantially abandoned.

In 1895 this Government appointed a board of engineers, under the presidency of Colonel Ludlow, to examine the situation. Lack of time and money prevented a thorough investigation, but the board disapproved the Menocal plan and recommended a different route and fuller investigation.

In 1897 the Government appointed the Nicaragua Canal Commission, under Admiral Walker. This Commission surveyed the route, confirmed the views of the Ludlow board, and recommended substantially the route adopted by the Isthmian Canal Commission, whose reports are before us.

In 1899, the company having abandoned its work for six years, the Government of Nicaragua announced that its concession would become forfeited for failure to complete the canal within the time required. Against this the company protested and requested arbitration under the terms of the concession. Nicaragua consented and named two arbitrators, but a dispute arising as to the arbitrators named by the company, the arbitration never proceeded. On August 10, 1900, Nicaragua proceeded, under the claim of forfeiture of the concession, to take possession of the property of the company in Nicarauga which would belong to it in case of forfeiture, and has since retained this property or disposed of it at its pleasure. Against this action the company protested to the Secretary of State of the United States, on October 23, 1900. This protest it renewed in its reports to the Secretary of the Interior for 1900 and 1901. The Secretary of State, in a letter to the Minister of the United States to Central America, on December 28, 1899, had expressed the opinion that the position of the company on the question of the selection of arbitrators was justified, but no action appears to have been taken on the company's protests of October, 1900, nor does the company appear to have pressed its claims further than by filing its protest.

If, then, the action of Nicaragua in declaring the Maritime Canal Company's concession forfeited was invalid, we, if we took a concession from that Government and constructed a canal on that route. should be acting in direct violation of exclusive rights owned by a corporation chartered by Congress. Whether the concession was really forfeited is plainly a difficult legal question. This question must be met and answered before our title can be clear, and the complication which it causes is serious.

It is true that by Article X of the treaty which it has proposed Nicaragua covenants and guarantees to the United States that there is no outstanding concession "which in any manner encumbers or conflicts with the lease and the rights and privileges hereby granted," but we have the very terms of these concessions before us in the appendix to the report of the Isthmian Canal Commission. They are not equivocal, except, perhaps, as to the effect of the provision of the Atlas concession that it shall not be "an obstacle" to contracts for an interoceanic canal. We may judge them for ourselves, and we shall be only preparing the way for future complications if we proceed relying upon a covenant of Nicaragua which we know beforehand not to be in accordance with the fact.

The Maritime Canal Company had also a concession from Costa Rica which has never been declared forfeited. If that country could or would grant us a concession otherwise, how can it do so, or how could we accept the concession, with this other earlier and exclusive concession, owned by a corporation of the United States, outstanding?

I am aware that before the committee the secretary of the Maritime Canal Company and the president of the Nicaragua Company—a successor of the Nicaragua Canal Construction Company, but which never has done anything and does not apparently intend ever to do anything in the way of construction—urged the adoption of the Nicaragua route, while still claiming that the Maritime Canal Company's concessions are valid. But both of them stated that they expected compensation to the amount of millions from this Government, if it did so, and while the secretary of the Maritime Canal Company expressed a willingness to leave the amount of their compensation to the good feeling of Congress, he expressly disclaimed all authority to speak for the company or for anyone but himself.

Nor is this all. Article XI of the proposed treaty submitted by the minister from Nicaragua is as follows:

> Although maintaining that upon principles of justice no valid claims of citizens of the United States exist against Nicaragua, the latter accepts the engagement of the United States to pay and to discharge Nicaragua from all liability on account of claims of citizens of the United States which may have arisen prior to the date of the signing of this convention.

The meaning of this provision in the light of the existing circumstances is not doubtful. The United States is to guarantee the correctness of Nicaragua's proceedings respecting the Maritime Canal Company. If those proceedings were unjust, if Nicaragua has oppressed our citizens, we are to pay for it. Should the views of our Secretary of State and of the Maritime Canal Company prove to be correct, the United States must bear the burden of the wrongful acts of Nicaragua and must respond in damages because a foreign country, against our protest, has wrongfully deprived an American company of its concessions and its property.

No doubt the Maritime Canal Company will find the United States a better debtor than Nicaragua. No doubt it will be convenient for it to have the advantage of the opinion of the Secretary of State in its favor in pressing its claims against this Government. But while it may be natural that Nicaragua, in granting a new concession, should require protection against claims arising out of the old one, it can not be possible for this Government to assume such a position as that in which this article of the proposed treaty would place it. I do not forget that modifications of the proposed treaty may be possible. I desire only to

point out the purpose of the existing provision as it is framed—a purpose which might be obscure were not the circumstances known—and to note how it has been framed at once to shift the responsibility for Nicaragua's action from that country to the United States and to improve the prospects for the Maritime Canal Company's obtaining substantial sums from this Government.

Mr. SPOONER. Is the Senator able to advise me whether that treaty was negotiated in Nicaragua or negotiated here?

Mr. KITTREDGE. It was negotiated in this country.

Mr. SPOONER. By whom?

Mr. KITTREDGE. I am unable to state.

Mr. SPOONER. By the State Department?

Mr. KITTREDGE. I think by the State Department; but by just whom I am unable to say.

And this liability, it must be observed, is exclusive of and in addition to any liability which we may incur by our own action if we infringe exclusive concessions which are finally held to be still valid.

Thus it is plain, I believe, that the second of the assumptions of the advocates of the Nicaragua route is also the opposite of the fact, and that while the legal questions at Panama are few and simple those at Nicaragua are numerous, complicated, and serious. They open up a prospect of almost interminable dispute and litigation, and even if we could obtain the requisite concessions for that route they must cause delay which can not now be estimated, unless we should be prepared to proceed, leaving them unsettled, and so to plunge into the labyrinth without knowing how nor when nor where we shall emerge.

I come now to the third of the assumptions of the Nicaragua advocates—that concerning the cost of the two canals. I do not propose to criticise or analyze the details of the estimates. These have been made by the distinguished experts of the Isthmian Canal Commission and I do not question their correctness. At any rate I shall not set myself up as a superior authority upon such points.

The Senator from Washington said that "every commission ever appointed in this country, every man of scientific attainments who has ever studied this question, has declared" that a canal by the Nicaragua route "can be constructed as cheaply, to say the least, as by any other route." I do not know upon what the Senator based this statement. No commission appointed in this country ever examined the question of comparative cost of routes, except the Isthmian Canal Commission, and that Commission certainly reported that, even omitting from consideration vast items of expense for the Nicaragua route which do not exist for the Panama route, the Nicaragua Canal would cost $5,000,000 more than the Panama Canal. I have not learned of any commission which has expressed such an opinion as the Senator mentioned. Neither do I know who the men of scientific attainments can be to whom he referred. Certainly none appeared before the committee to say that the Nicaragua Canal could be built as cheaply as the Panama Canal, nor have I heard any such opinions quoted from any man who can be called "of scientific attainments."

Certainly the Senator from Kansas holds no such opinion, though he stands with the Senator from Washington in advocating the Nicaragua Canal. On the examination of Admiral Walker before the committee the Senator from Kansas took occasion expressly to disclaim any such opinion, and said to the witness, "I hope, Admiral, you did not understand my questions yesterday as indicating that the total cost of the Nicaragua line was less than the cost of Panama." (S. Doc. 253, pt. 2, p. 504.) We have had the contrary opinion expressed also by the members of the Isthmian Canal Commission, whose scientific attainments are well known, and I can not but think that the Senator has been misinformed upon the subject.

Nor can I accept the changes which the Senator undertook to make in the estimates of the Commission for the purpose of showing that the Nicaragua Canal would be less costly to build than the Panama Canal. In order to reach this result he added to the Commission's estimates items and amounts for which I have not been able to find justification in the evidence before the Senate.

In the first place he added $2,356,700 for the Alhajuela dam. But the Commission does not propose to build a dam at Alhajuela. This the Senator admits, but he deduces from the report that the Commission considered a dam there as a possibility at some time, and therefore he treats it as part of the cost of original construction. It seems to me that the Commission may be trusted to understand their own plans and that we have no right to add to their figures the cost of a structure which they do not intend to erect, and consider unnecessary.

Next the Senator added $1,000,000 for a temporary dam at Bohio. This he did upon testimony of Admiral Walker, who expressly disclaimed any knowledge upon the subject, but who was not sure that the estimates provided for this. Had the Senator carried his investigation into the testimony of Mr. Noble, one of the Commission, he would have found the following with reference to the Bohio dam:

Senator HAWLEY. What is the estimate of the cost of it?
Senator HARRIS. $8,000,000, I believe.
Mr. NOBLE. $6,400,000 for the Bohio dam?
Senator HARRIS. I was going to ask you with regard to the cost of a temporary dam which, as perhaps you know, has been stated here, was not included in that estimate.
Mr. NOBLE. I find that an allowance of half a million dollars was made for a temporary dam in the estimates. (Senate Doc. 253, part 2, p. 711.)

Colonel Ernst also testified to the inclusion of the cost of the temporary dam in the estimates, and upon his examination the following occurred regarding the amount:

Colonel ERNST. We estimated it at $500,000.
The CHAIRMAN. Do you think that is enough?
Colonel ERNST. I think so. (Senate Doc. 253, part 2, p. 677.)

The very basis upon which the Senator from Washington placed this item of $1,000,000 is gone and that item also is erroneous.

The Senator further undertook to add to the Commission's estimate for the Panama Canal the sum of $3,486,918 for the bonded indebtedness of the Panama Railroad Company. But the testimony of Admiral Walker and Mr. Morison of the Commission is to the effect that the railroad will earn during the period of construction, from purely commercial business, enough to more than pay off all this debt.

Admiral Walker's testimony is as follows:

Senator HARRIS. We would be buying a great deal which would not be essential to the canal, as far as that is concerned.
Admiral WALKER. I don't know about that, Senator. I think that all that property would be used and used to great advantage.
Senator HARRIS. Well, in addition to the valuation which you put upon that property of $7,000,000, there are financial liabilities in other directions which are liable to run up the price materially.
Admiral WALKER. No; the financial liabilities are not great, and would soon be paid off in the natural course of events. With that railroad, you know, goes also the Panama Steamship Line, with all of its property. It belongs to the railroad and is a part of the railroad property.
Senator HANNA. Is it not true that during the time of the construction of the canal it would be fair to suppose that the net earnings of the railroad property would pay off all of these outstanding obligations, which were paid in the shape of construction, and more, too?
Admiral WALKER. Oh, yes; much more.
Senator HARRIS. Those net earnings are simply charged to the construction of the canal. It is taking money from one pocket and putting it in another.
Senator HANNA. Oh, no; excuse me.
Senator HARRIS. You mean in the transportation of freight for outside parties not relating to the canal?
Senator HANNA. Yes; because that is largely, almost entirely, the business of the last few years, when the canal has simply been under construction with a very moderate force; the net earnings of the railroad company from its legitimate business for which it was built show a very large earning capacity, which would pay off all these bonds and leave a large surplus to the credit of the purchase money.
Senator HARRIS. My idea would be, and I would like to have the admiral's opinion as to that, that when the full force is put at work and the railroad is here and there diverted and is occupied with the enormous work of construction, that there would be comparatively little opportunity for the operation of the road as a freight road for outside parties.
Admiral WALKER. Oh, it would undoubtedly be run as a commercial road, just as it is now. There is no reason why it should not be. That is, the through line between Panama and Colon would be run as a commercial road.
Senator HARRIS. That would necessarily require the construction of an amount of additional track, which would be used for the other purpose.
Admiral WALKER. Not much additional track, as it is very largely in place now. The track would have to be shifted from time to time, of course, as the work progressed. The tracks for canal work would not interfere with the main line of road.
Senator HARRIS. Then it would require constant change?
Admiral WALKER. Yes; the tracks for canal work; but that would be the case under any circumstances during construction of the canal.
Senator HARRIS. And that would interfere more or less with its operation as a commercial road.
Admiral WALKER. They are using it for both purposes, and have been all the time. The canal work does not interfere with its work as a commercial road in any way. With a stronger force at work it would simply be run more after the manner of a large road. There would be more trains on it. There are now two passenger trains a day each way.
Senator HARRIS. In this estimate, of course, the railroad does not cover any of the trackage or property which is used in the cuts and on the Panama Canal itself?
Admiral WALKER. The track in the cuts and that kind of thing belongs to the canal people.
Senator HARRIS. Separate from the other?
Admiral WALKER. Yes.
Senator HARRIS. How about the motive power?
Admiral WALKER. They have their own locomotives and their own cars.
Senator HARRIS. They do not use the locomotives of the railroad for any such purpose?
Admiral WALKER. No, sir; they have their own. They have a large number of locomotives down there. (S. Doc. 253, pt. 2, pp. 444, 445.)

Mr. Morison's testimony is as follows:

Senator HARRIS. That being the case, do you think it is reasonable for us to pay $140,000 a mile for the Panama road?
Mr. MORISON. Yes, sir; all things considered, I do. The Panama Railroad holds something more than itself. It has something more than a railroad. The company have a good deal of other property, and they will earn a great deal of money from commercial business during the construction of the canal, whichever canal is built. They will not earn anything after the canal is completed.
Senator HARRIS. Do you think that the amount they would earn in the construction of the canal and the doing of this work would more than pay off the indebtedness which now hangs over them?
Mr. MORISON. Yes; I do.
Senator HARRIS. There is a considerable indebtedness aside from the stock which hangs over that road?

Mr. MORISON. I think the indebtedness is stated in detail in the supplemental report of the Commission. I think it is correct. (S. Doc. 253, pt. 2, p. 571.)

These estimates are confirmed by the statement of the net earnings of the railroad given by Mr. Drake, the vice-president of the company (S. Doc. 253, pt. 1, p. 257), nor have they been contradicted or questioned. Under these circumstances the Commission could not properly have treated a bonded debt which the earnings of the property will pay before the canal can be finished as an additional item of cost. It is not that, and I can not suppose that the Senator from Washington would have so treated it had his attention been called to the evidence which I have quoted.

The Senator suggested also that $1,000,000 should be added for the price of 50,000 shares of the stock of the New Panama Canal Company, which he supposed we should be bound to pay to the Republic of Colombia, under the form of treaty proposed by that country. But, waiving the point that this whole proposed treaty is subject to amendment, nothing in it justifies such a view. The provision in question is found in Article I, by which Colombia grants to the New Panama Canal Company leave to sell to the United States. That article is as follows:

The Government of Colombia authorizes the New Panama Canal Company to sell and transfer to the United States its rights, privileges, properties, and concessions, as well as the Panama Railroad and all the shares or part of the shares of that company, with the exception of the public lands situated outside of the zone hereinafter specified, now corresponding to the concessions to both said enterprises, which public lands shall revert to the Republic of Colombia.

But it is understood that Colombia reserves all its rights to the special shares in the capital of the New Panama Canal Company, to which reference is made in Article IV of the contract of December 10, 1890, which shares shall be paid their full nominal value at least.

The railroad company (and the United States as owner of the enterprise) shall be free from the obligations imposed by the railroad concession, excepting as to the payment at maturity by the railroad company of the outstanding bonds issued by said railroad company.

It is obvious that this imports no obligation on the part of the United States, but is merely a saving clause for the purpose of preserving Colombia's rights as a shareholder in the company and to avoid any implication that by consenting to a sale it relinquished those rights also. The company may sell, but Colombia retains her shares and requires them to be redeemed by the company out of the purchase price or otherwise. The United States has nothing to do with this and nothing to pay. This item, too, of the Senator's additions to the cost of the Panama Canal is unsupported by the facts before us.

There remains, out of the grand total of $8,283,418 which the Senator thought should be added to the cost of the Panama Canal, only the sum of $439,800, which he assigned as the purchase price of the 1,466 shares of Panama Railroad stock held by others than the New Panama Canal Company. The basis upon which he has made up this amount is confessedly conjectural. I shall not undertake to put conjecture against conjecture, though I can not agree with the Senator's estimates. I am not sure that we shall ever have to pay anything for those shares, nor what we will have to pay, if we do pay anything. But, allowing his estimate on this head to stand, the result would be that, instead of the Nicaragua Canal costing $5,630,704 more than the Panama, it would cost $5,190,904 more. He would have brought the difference in favor of Panama down to nearer $5,000,000, and for that difference in so large a sum it is hardly worth while to dispute.

But I think that I have shown beyond contradiction that none of the other sums by which he proposed to swell the cost of the Panama Canal can be justified, and that the Isthmian Canal Commission committed no error in not including them. His thesis that the Nicaragua Canal is the cheaper is disproved. But I desire to point out that the Commission did not profess to include certain items of cost in their estimate for either route, and to show how this fact affects the final totals given for the cost of either canal. The question is one intimately connected with these other questions of treaty and law which I have been discussing, and it is for this reason that I refer to it here.

At Panama, as I have said, there are no concessions but those which we shall acquire if we adopt that route. Substantially all lands required in any way in connection with the canal are already owned by the New Panama Canal Company and will be included in the sale to us. Therefore if, as the Commission has done, we add to the purchase price of $40,000,000 the sum of $142,000,000 required to complete the work, we shall have the true total of the cost of that canal.

But at Nicaragua this is not so. The Commission confined itself in both cases very properly to estimates for the cost of construction and materials—the matters with which they were familiar as experts. They assumed that we had the land and a clear concession, and told us what it would cost to build the canal under those circumstances. They did not undertake to say anything of the cost of clearing away conflicting concessions or of obtaining the land on which to locate the canal. These things, no doubt, they considered not within their province. They are, however, within our province. We must consider them and we can not reach a rational decision without doing so.

At Panama we shall have the lands needed; at Nicaragua we must buy them.

The Senator from Washington assumed that the lands needed must be bought upon both routes; but if he had examined the supplementary report of the Isthmian Canal Commission he would have found that the New Panama Canal Company already owns substantially all the lands required, which would pass to the United States under the proposed sale (p. 4). Had he further examined the records of the Isthmian Canal Commission he would have found them in possession of elaborate maps, showing in detail the lands along the canal line owned by the canal company, the railroad company, the Government, and private owners, from which also this appears. Therefore, the situation is not the same with respect to lands at Nicaragua and at Panama, and so much of his argument as depends upon this assumption falls to the ground.

At Nicaragua, as I have said, we must buy what land we need, which is not unappropriated public land, and must pay for it. Does anybody know what we must pay for it? We know that the entire canal route between the lake and Brito is claimed by the Maritime Canal Company by title which would not be affected even if the forfeiture of their concession was valid. Their secretary testified before the committee that they bought and paid for it. Along other parts of the route private lands must be taken for the canal or works connected with it or be flooded among the immense areas which will be submerged by the back water from the dams to be erected. The treaty proposed by Nicaragua gives us the right to occupy the public lands without payment, but by Articles III and V of that treaty we must pay for all lands of private persons or corporations. We have not the least means of forming any idea of what this will mean to us in cost, except that we know that we must pay for all the land we need west of the lake. How much we must pay for and how much we shall get without payment east of the lake we can not even guess. No lands have been withdrawn from entry, so far as we know, and there will be apt to be very little government land on the canal line when we proceed to construct it, should we do so.

The Senator from Alabama has taken the position that Nicaragua could make no grants or sales of land to private persons after entering into the protocol of December 1, 1900, but I am wholly at a loss to know upon what that position is based. The protocol, which is, after all, but a mere memorandum between ministers and has never received any confirmation from either country, does not profess even to bind Nicaragua to anything but to negotiate when the United States is ready to do so. There is not a word in it of anything else. It does not even require Nicaragua to give us free use of the lands which shall not have been appropriated by private persons when final arrangements are made.

How it can be so construed as to bind her not to sell or grant lands on the canal route in advance of definite negotiations I can not understand. The proposed Nicaraguan treaty requires the United States to pay for all lands owned by private parties "at the date of this convention" (Article V), and this is conclusive evidence that that country intends to continue to grant lands until the treaty is actually signed. Whatever lands are held by private persons along the line, whether granted before or since December, 1900, we must buy. How many millions all this will cost us we can not estimate. We can know and we do know that it will add millions to the estimated cost of the Nicaragua Canal, but of the amount to which this additional expense may run we can have no idea.

In addition to all this are the sums which we must pay to clear away existing concessions. Shall we wait two years for the Pellas concession to expire? If not, we must open our pockets again to dispose of that. Are the holders of the Atlas concession to have damages? That is one of the legal questions to be settled, but it is hardly reasonable to suppose that their business can be destroyed and their property rendered valueless without compensation. What this will mean in money can not be estimated now. Finally comes the claim of the Maritime Canal Company, and this we can estimate in part at least.

The Maritime Canal Company will have against us two claims, if we adopt the Nicaragua route and if Article XI of the treaty proposed by Nicaragua remains unaltered. One of these claims will be against the United States directly for violation of the company's alleged concession. This claim the company had already formulated in 1898. At that time a bill was pending looking to this Government becoming chief shareholder of the Maritime Company, compensating it for what work it had done and guaranteeing its bonds. The company then (as appears from Senate Document No. 289, Fifty-fifth Congress, second session) estimated its expenditures, with interest, at $7,000,848.97. It proposed to surrender its rights for $7,000,000 in stock and $4,500,000 in 3 per cent bonds guaranteed by the United States. The stock could be canceled by the United States at any time on payment of par and

accrued interest at 3 per cent per annum. As the bonds with the guaranty of the United States would be worth more than par, the total face value of the securities to be issued, $11,500,000, would not equal the cash value of the compensation which the company claimed.

Before the committee the secretary of the Maritime Company and the president of the Nicaragua Company stated that they expected at least the amount expended with interest. This, as I have said, amounted, on the company's computation, on June 1, 1898, to $7,000,848.97. A simple calculation shows that the company's claim on this account on June 1, 1902, would amount to $8,541,757.66. This is wholly exclusive of the additional amount of $4,500,000 which the company claimed in 1898. If this claim, too, be still made the company would look to the Government to pay them more than $13,000,000 if the Nicaragua route be adopted.

It is true that in 1898 the Senate passed a bill limiting the company's compensation to $5,000,000, but the bill never passed the House; it was never accepted by the company and we have no warrant for saying that the company would have accepted it. All that we know is that the Maritime Canal Company has stated its claim upon a basis which would make the amount at this date $13,000,000.

This is wholly outside of its claim against Nicaragua which we are to assume if we accept Article XI of the proposed Nicaraguan treaty. How much these would be we can not even conjecture. Even if the company were to waive all claims against the United States, which it has shown no real intention of doing, this claim against Nicaragua would still remain, and no one can question that, in any case, many millions would be demanded of this Government by the company in one form or another. I express no opinion of the validity of these claims. The former of them has received a sort of sanction by the passage of the bill of 1898 by the Senate. The latter claim has received, also, a sort of sanction by the adoption of the company's protest against the action of Nicaragua by the Secretary of State. I can not believe, however, that if the Nicaragua route be adopted the Maritime Canal Company will fail to obtain, on one ground or another, more or less millions—perhaps many millions—from the Treasury of the United States.

The company's attitude is not to be mistaken. It began its work on a crude, imperfect, and, as we now know, impossible plan. Out of $22,000,000 of stock, it issued only about $1,000,000 for cash. It did some work in the first four years of its existence, and then ceased, and for nine years has made not the slightest attempt to construct a canal. In its annual reports it attributes its inaction to the Government surveys of 1895, 1897, and 1899, which it says produced uncertainty about the route. When the first of these surveys was made work had already been abandoned for two years, a fact which sufficiently disposes of this excuse; but no such excuse could ever serve, for had the company itself been proceeding upon a feasible plan, no number of surveys could have affected it. The real trouble was that its plan was impossible, and therefore it did not proceed.

When Nicaragua declared its concession forfeited in 1900, the company had done no work for seven years; its property on the canal line had been allowed to go to ruin and decay; it was plain that the company could never build its canal and did not intend to spend any more money in that way. But the sentiment for a canal at Nicaragua was strong then in the United States. While the company had no power nor desire to build a canal, it did desire to hold its concessions, for if the United States should adopt the Nicaragua route these exclusive rights of the Maritime Company would bar the way, and it could obtain compensation for abandoning what it could not itself use. Therefore they protested against the forfeiture. Though two years have passed, they have only protested. They have not actively sought an opportunity of resuming work. They do not wish to resume work.

They wish only to hold their concessions as a means of getting millions from this Government.

And for what should we pay these millions, if we did pay them? For nothing. The Isthmian Canal Commission says:

> Nearly all the property of the Maritime Canal Company, including dredges, boats, tugs, etc., has gone to ruin, except the railroad and the 4,350 feet of partially constructed canal. The buildings now standing are in bad condition. Some of them in 1897 were capable of being repaired, and were used by the employees of the Nicaragua Canal Commission and later by the employees of the Isthmian Canal Commission.
>
> Practically none of the property would have any value to-day in the construction of a canal, except possibly the canal excavation made from Greytown to Lagoon inland, and this would be of value only as a part of a channel for the diversion of the San Juanillo River.

The concessions of the Maritime Canal Company are of no value to this Government; such limited rights will not suffice for our purposes. It has, as we have seen from the Commission's report, no other property of value. So that we shall be called upon to pay these large sums without the United States receiving value therefor to the amount of a penny.

The Senator from Washington minimized these claims of the Maritime Canal Company. He declared them not legal claims, but only founded on broad equities and such as we need never pay if we did not choose. He asserted that the forfeiture of the Nicaragua concession was unquestionably valid and regular, that the company would not press any claim in any case, and that it could not amount to more than four or five millions at most.

But the Senator does not take into account the fact that the Maritime Canal Company has also an exclusive concession from Costa Rica which has never been declared forfeited, but which we must violate if we build the Nicaragua Canal. He declares that the forfeiture of the Nicaraguan concession was perfectly regular, but we must remember that the Secretary of State had as little difficulty in coming to an exactly opposite conclusion. He says that there can be no legal claim in any case, but I can not agree, nor do I think that the Senate can agree, that, if we build a canal where the company has a valid, existing, conclusive concession, there will not be a claim on the part of the company of the most strictly legal character. That will be the situation in Costa Rica if she ever lets us build the Nicaragua-Costa Rica Canal at all. It will be the case in Nicaragua if the Maritime Canal Company's view and the Secretary of State's view of the company's rights there prove to be correct.

The Senator says that the company will press no claim, but the very testimony which he read in support of that statement contains strong assertions of the existence of the claim and a sense of its justice, and in answer to the very question as to the company's intention, the witnesses expressly disclaimed authority to speak except for themselves. To me the testimony seemed clearly to indicate that a claim would be sure to be made. The witnesses certainly were at pains to avoid any statement that it would not.

Finally, the Senator asserted that the claim would only amount to four or five millions. Four or five millions is not a mere trifle, especially when it would be, as in this case, absolutely thrown away without return of any sort. But the Senator paid no attention to Mr. Miller's statement, which, nevertheless, he quoted, that he thought the company should have that amount, at least, with interest. I have shown that this means not four or five millions, but between eight and nine millions, and that this is a minimum which, according to the company's previous demands, means really more than thirteen millions.

Surely such a situation should require us to pause. We can not at all know what the Nicaragua Canal will cost—into many millions. We do know what the Panama Canal will cost. We know the Panama Canal to be the better and more useful as well as the cheaper canal. We know that we can begin at once the work upon the Panama Canal, but we do not know when, if ever, we can begin the Nicaragua Canal.

Mr. HARRIS. If the Senator from South Dakota will permit me, I should like to ask him if he does not recall the testimony of Lyman E. Cooley as to the possibility of letting a contract for the construction of the Nicaragua Canal at the estimate placed upon it by the Commission, and whether he does not regard that as some indication?

Mr. KITTREDGE. I much prefer to rely upon the estimates, judgment, and conclusion of the Isthmian Canal Commission to the judgment even of a man of Mr. Cooley's standing, who went down there simply and solely for the purpose of looking it over for a construction company.

Mr. HARRIS. He said that his company would be willing to construct it at the figures estimated by the Canal Commission. He did not controvert the Commission's figures at all.

Mr. KITTREDGE. He certainly said that, but the Senator from Kansas surely misapprehends the point I am making, especially upon this branch of the case. It is that not only will we be compelled to expend the amount estimated for the actual construction of the canal but we will be compelled to expend many millions in relieving the proposed route from existing concessions, and acquiring by purchase or condemnation lands necessary for the construction of the canal along that route, and that is the uncertain amount, and that will cost many millions which even we can not estimate.

I have listened to the debates in this Chamber and I have read the pamphlets and discussion in the press, but I have never yet heard one single reason given for preferring the Nicaragua route, except that, measured in miles, it makes a shorter route between certain ports of the United States; and this fallacious argument is, I believe, answered by the considerations stated in the views of the minority of the Committee on Interoceanic Canals, and which show that, while shorter in miles, that route is for nearly all ports longer in time. For what reason, then, that route is so zealously advocated I am at a loss to conceive.

In common with the other members of the minority of the committee, I desire an isthmian canal, the best canal, and in the shortest possible time. I have no prejudice in favor of either route, but I have been led to the conclusion which I have reached by as careful and impartial a consideration of the case as I could

give it. Upon the engineering questions I am content to rest upon the report of the eminent engineers of the Isthmian Canal Commission, and if I rejected their opinion I should have to act in a matter foreign to my own pursuits without advice, for we have no other opinions but theirs. Upon questions of navigation the statements of sea captains submitted by the Senator from Ohio seem to me conclusive. I have no sufficient knowledge and experience of such matters to put against theirs. Upon the questions of concessions and legal difficulties I have found the way open at Panama and absolutely barred at Nicaragua.

Having thus become convinced by the opinions of experts, upon whose advice I must necessarily rely, that the Panama Canal will be the better and more useful as well as the cheaper canal, and having satisfied myself that only by that route is the immediate construction of an isthmian canal possible, I shall vote for the amendment proposed by the Senator from Wisconsin. By the adoption of that amendment only I most firmly believe can we realize the desire of the country that the canal be built without delay and that it be the best possible canal.

ARMY APPROPRIATION BILL.

Mr. PROCTOR. I ask the Chair to lay before the Senate the Army appropriation bill.

The PRESIDENT pro tempore. The Chair lays before the Senate the bill indicated by the Senator from Vermont, which will be stated by title.

The SECRETARY. A bill (H. R. 12804) making appropriation for the support of the Army for the fiscal year ending June 30, 1903.

Mr. PROCTOR. I move that the Senate recede from its amendment numbered 13, insist upon its other amendments, and ask for a full and free conference with the House thereon.

The PRESIDENT pro tempore. The Senator from Vermont moves that the Senate recede from its amendment numbered 13, which will be stated to the Senate.

Mr. FORAKER. Before any action is taken upon the motion of the Senator from Vermont, I should like to learn from the Senator what, if anything, has been accomplished by the committee appointed upon the subject of the message sent to the Senate by the House?

Mr. PROCTOR. The amendment I move to recede from is amendment No. 13, in which we struck out the language that has ordinarily been used, as follows:

Temporary buildings at frontier stations: For the construction of temporary buildings and stables, and for repairing public buildings at established posts.

We inserted in lieu thereof:

The construction and repair of such permanent or temporary buildings at established posts as the Secretary of War may deem necessary.

The effect of our amendment was to do away with the provision of the statute which limited any expense to $20,000 under the barracks and quarters and made it available the same as the military post fund.

Mr. FORAKER. I am perfectly familiar with that. What I made inquiry about was whether there has been any report by the committee appointed by the Senate to confer with another committee, if the House should appoint one, in regard to the message sent to the Senate by the House, instructing the Senate as to the rules of the House and the right of the Senate to make amendments to bills that the House had passed.

Mr. PROCTOR. The chairman of that committee is present and can speak for the committee. There has been no report made. This motion takes no cognizance whatever of the action of the House.

Mr. GALLINGER. It yields to the contention of the House, though, does it not?

Mr. PROCTOR. It yields to the contention of the House in regard to one amendment and puts the other two which are objected to into conference.

Mr. FORAKER. The House, as I remember it, asked for a full and free conference as to all except three amendments.

Mr. PROCTOR. All except one amendment.

Mr. FORAKER. All except three, I think. I think the House asked for a full and free conference, but instructed their conferees not to confer as to three amendments which the House specified.

Mr. PROCTOR. That is correct.

Mr. FORAKER. Yes.

Mr. PROCTOR. But by this action we take no cognizance at all of their action in the matter. We merely recede from one of the three amendments—amendment No. 13.

Mr. CULLOM. There are other amendments in the bill not disposed of.

Mr. PROCTOR. Oh, yes; there has been no conference. No amendment has been disposed of.

Mr. FORAKER. I supposed that before the Senate took any action providing for the appointment of conferees we would have a report as to the message sent us by the House. I may be unwise in insisting upon taking further notice of that message. It does seem to me that we ought to know that it is disposed of and out of the way before we proceed to have any conference about this bill. I do not think we ought, before there has been an appointment of conferees and a conference, to yield any of the amendments, especially those in controversy.

May I ask the Senator whether or not it is the opinion of the committee appointed by the Senate to consider this message from the House that we should take this action in respect to the pending bill, yielding as to this amendment and asking for a conference as to the other two amendments?

Mr. PROCTOR. This action which I have proposed has no reference whatever to the message and resolution of the House.

Mr. PETTUS. I desire to know whether the Senator from Vermont speaks for the committee or for himself in making this motion.

Mr. PROCTOR. Not at all for the committee of conference that was appointed. The Senator from Wisconsin [Mr. SPOONER] will speak for that committee. I merely speak as a member of the Committee on Military Affairs in charge of the bill.

Mr. PETTUS. Mr. President, I insist that there has been no committee of conference appointed at all on the bill.

The PRESIDENT pro tempore. There has been no conference committee appointed yet. The Senator from Vermont moves that the Senate recede from the amendment which will be read.

The SECRETARY. On page 22, line 9, the Senate struck out the words:

Temporary buildings at frontier stations: For the construction of temporary buildings and stables and for repairing public buildings at established posts.

And in lieu thereof inserted the following:

The construction and repair of such permanent or temporary buildings at established posts as the Secretary of War may deem necessary.

The PRESIDENT pro tempore. The question is on agreeing to the motion to recede.

Mr. FORAKER. I think the Senate ought to know before we act on the motion whether or not anything is to come from the committee of conference that we appointed. If the committee of conference that we appointed will report that they are unable to accomplish anything in the direction it was hoped they might accomplish something, then that is one situation; but if they have not yet completed their labors, it is another. I do not like to see any such action as this taken so long as that committee is still in existence and empowered to act with respect to the message.

Mr. SPOONER. Mr. President, that committee, which has no relation whatever to the bill—it is not a conference committee on the bill——

Mr. FORAKER. Oh, of course, I well understood that it is not a committee of conference on the bill, but it is a committee of conference, as I expressed it, on the message, and it was generally understood, if not determined, by the Senate that we would not ask for a conference nor yield to the request for a conference until the committee of conference on the message had concluded its labors. I simply wanted to know whether its labors had been concluded.

Mr. SPOONER. The labors of the committee of conference have not been concluded, and I am not prepared at this time to make a report. The committee will later report and, I think, a a very clear view of it, and I believe the Senate will undoubtedly agree with its view.

The method which the Senator from Vermont is now pursuing is one which, as he said, he pursues as chairman of the committee which has in charge this bill. It involves no appointment of a conference committee by the request of the House, but the Senator had concluded that the Senate ought to recede from one or perhaps two of its amendments——

Mr. PROCTOR. Only one.

Mr. SPOONER. From one amendment, and ask the House for a conference. That was the course suggested by the Senator from Massachusetts [Mr. HOAR]. While the committee appointed as a conference committee to confer on the message has no relation to the course which is pursued by the Senator from Vermont, it, perhaps, is as wise a way at this time as can be adopted to facilitate the passage of the bill, which involves a vast appropriation and is very much needed.

Mr. FORAKER. I am sure, if the Senator will allow me to interrupt him, he will appreciate why I express myself as I do. When the conference committee on the message was appointed it was hoped that their labors might result in our having an opportunity to have a conference on all the questions of difference between the two Houses. Now, the chairman having the bill in charge makes a motion which involves a surrender of at least one of those questions. I was hoping that we would not have to surrender any of them unless we might see fit in conference to do so, and I wanted the conferees on the part of the Senate to

have the privilege of going into conference unrestrained by any of the restrictions that are imposed by the message from the House.

Mr. SPOONER. We had a very full and frank and kindly conference—we have had several of them—and while I do not think anything would be gained by making a statement at this time about it, the committee thought they could discover that there was no disposition to insist unduly or to create friction. I think it is wiser to allow the committee to proceed a little longer in this matter.

Mr. FORAKER. One chief purpose I had in interrupting was to learn from the chairman of the committee of conference on the message whether or not this motion did meet with his approval. If, in his opinion, we are not likely to get the result we hoped we might arrive at, then I am prepared to consider this proposition, if it is deemed by the chairman wise to take this action.

Mr. SPOONER. I do not hold myself at all responsible for this action. If it is agreeable to the Senate that the conference committee shall be permitted to continue its labors, I expect that it will ultimately make a report upon which the Senate will undoubtedly act.

Mr. FORAKER. I was hoping we might get that before the bill was disposed of, so that we would have the benefit of the Senator's labors in connection with this measure.

Mr. PROCTOR. I will state for the information of the Senator from Ohio that the two amendments that were included in the instructions of the House are by this motion left for a full and free conference, at our request. We take no action whatever upon their message or resolution. I trust, and have reason to think, that the adoption of this motion will lead to a satisfactory result; and I hope the Chair in his wisdom may appoint the Senator from Ohio [Mr. FORAKER] as one of the conferees on the bill.

Mr. FORAKER. Mr. President, the Senator from Ohio does not want to be appointed a conferee on any bill where he can not have a full and free conference, and that is the very point in controversy. I am willing to undertake to discharge any duty that may be imposed upon me, but if I am appointed to the discharge of a duty I want to know that I am at liberty to discharge it. To be frank about it, I do not care to be a conferee if I am to meet the conferees from the other House who are instructed in advance prematurely and unqualifiedly not to confer. We might as well make up our minds to do without a conference if that is to be the course of parliamentary procedure.

Mr. PROCTOR. The Senator will see that amendments 14 and 15, which are the ones he perhaps has had a special interest in, we insist upon. We ask for a full and free conference upon those amendments.

Mr. FORAKER. I have not any special interest in any one of the amendments. I was on the committee that reported them; I am familiar with all of them; I believe in all of them; I think every one of them ought to be adopted, and I should like to have a conference that will admit of my undertaking to persuade the conferees on the part of the House that they ought to agree with us about them. That is all I care to say on that point.

If I may be allowed to make an inquiry, in view of what the Senator has said, has he any assurance that we will be allowed to confer about the other two amendments?

Mr. TILLMAN. Mr. President——

Mr. FORAKER. I address the inquiry to the Senator from Vermont, if the Senator from South Carolina will pardon me for just a moment. I ask the question in view of his statement as to what he has reason to believe. Has he assurance that we will be allowed to confer about the other two amendments? Under all the circumstances I feel warranted in making that inquiry.

Mr. PROCTOR. That is a question I hardly think I ought to answer in full and directly, but I have reason to believe that we can have a satisfactory conference on the other two amendments.

Mr. FORAKER. I shall not press the inquiry further.

Mr. TILLMAN. Mr. President, I may not be in full possession of the facts, but from the debate on this matter at various times, to which I listened, I got the impression that either the Senate Committee on Military Affairs had persuaded the Senate to adopt amendments which it had no right to do, or that the House had treated the Senate in a very arbitrary and discourteous manner.

I understood from the debate that there was a sufficient desire on the part of Senators here to maintain our just rights and our dignity to refuse to let the House have its way, and we appointed a committee of three by a concurrent resolution to confer with such committee as the House might appoint to consider the relative rights of the two Chambers and the proper method of procedure.

I may be mistaken as to what I understood, but that at least was the impression I received. If I am in error I would be glad for some one to give me some light or to correct my error.

I see the senior Senator from Massachusetts [Mr. HOAR] here. He had something to say about this matter, and was particularly anxious that the Senate should not surrender its dignity and right. But, according to my understanding of this procedure—and it is a very extraordinary one—the committee which we appointed marched up the hill with banners flying and then, like the King of France, marched down again; and the Senate does not seem to have any rights which it intends to have the House respect.

Now, either we went beyond our proper sphere and invaded the rights of the House or the House has gone beyond its sphere and invaded our rights. I confess I am a little mixed as to which is the aggressor or which is the criminal in this business; but I must say that I think it would be more dignified if the committee, which we appointed after so much discussion, had come in and made a report that they found that the Senate was in error and had transcended its authority; that the Military Committee of the Senate had no right to recommend and get incorporated in the bill the amendment about which we are discussing.

If that is the situation, and the action of the Senator in charge of the bill is a confession that that committee have been in error and that they want to get out of it in this way, of course I have no right to object. I thought we had appointed a dignified and able committee to protect our rights and see that the House treated us with fairness and courtesy and if necessary to let this bill fail rather than surrender any of our rights. If I am mistaken I should like to have somebody give me some information on it.

Mr. FORAKER. I wish to inquire of the Senator from Vermont what is the objection to our asking for a conference upon all differences? Why should we now in asking for a conference yield one of the questions of difference?

Under the circumstances it seems to me that we are justified in asking for a conference as was proposed by the senior Senator from Massachusetts. I think his motion was exactly the motion that ought to have prevailed when this question first arose. I think it is the motion that ought to prevail now, and I would be glad if he would renew it as a substitute for what has been proposed. Then we can go into conference, and if we think one of these amendments ought to be yielded we can yield it there, and yield it in a way that does not involve any sacrifice of dignity or self-respect. It does seem to me that we can not do it in the presence of such a message as that which was sent to us.

If the Senator from Massachusetts is not disposed to renew his motion, I will renew it as a substitute for the one made by the Senator having the bill in charge.

Mr. HOAR. It seemed to me that if the Committee on Military Affairs were not bellicose enough to fight for the rights of the Senate it hardly became a civilian to do it; so I did not press my motion; but if the Senator from Ohio will renew it I shall gladly vote for it.

Mr. FORAKER. I am a member of the Committee on Military Affairs, and while I do not feel at all bellicose—to use the word employed by the Senator from Massachusetts—I do feel that there is an important question here, involving the dignity of the Senate. We acted upon it a few days ago, appointing a committee to confer with a like committee of the House on the message which they sent to us, which was certainly a most unusual and extraordinary communication for one House to send to another.

I do not think the situation has been changed one whit, but that it has been made a great deal worse when, two weeks after that committee was appointed, they come into the Senate and tell us that they are still in conference with the House committee; that they have not concluded their labors; that nothing has yet been accomplished, and it is proposed that we shall now, without any conference, recede from one of the questions about which the House, by its message, gave instructions not only to its conferees, but also to the Senate. I am not disposed to do it. I am bellicose enough for that. If the Senator from Massachusetts is not disposed to renew his motion, I will, if I can resurrect it from the RECORD, make it as a substitute for the motion of the Senator from Vermont, and take the sense of the Senate upon it.

Mr. ALLISON. Mr. President, I understand that the committee having the matter in charge relating to the respective rights of the two Houses are not ready to report. They have had, as the chairman stated a moment ago, several very agreeable and pleasant conferences on the subject, but they have not reached any conclusion. Now, in the face of that situation, the Senator from Vermont, in charge of this important bill, in a degree holds out the olive branch. I suppose he does that realizing that the 30th of June will arrive very soon.

Mr. HOAR. I should like to ask the Senator which end of the olive branch is presented to the Senate, the end which is the rod or the end which is the leaf?

Mr. ALLISON. Well, either end. I shall not go into details on that subject. I used that little metaphor perhaps improvidently.

Mr. TILLMAN. Mr. President——

Mr. ALLISON. But now, if the Senator will allow me just a moment, the Senator from Vermont having charge of this bill, and the 30th of June arriving quickly, comes in and says to the Senate that it is not worth while for us to hold this Army bill up between the two Houses so that there will be no appropriations for the Army after the 30th of June, but that we shall at least as respects one of these amendments recede from our contentions. I suppose from his observations, although they were rather delicate and somewhat obscure, he has a right to anticipate that this little proffer that he makes to the other House will be accepted by them in turn; that they will agree to this conference; that we will go in with the bill, important as it is; that the controversy arising out of the mistakes of the House or the assertions of the Senate, whatever it may be, will be dealt with carefully and considerately, and that we will have a full report as to our rights and as to the rights of the House.

I see no great trouble in adopting the suggestion of the Senator from Vermont. I do not think we fall very far short of our duty in doing so and endeavoring, if possible, to secure the passage of this important bill.

Mr. TILLMAN. Before the Senator from Iowa takes his seat I should like to ask him if the action of the Senator in charge of the bill, instead of being the offer of an olive branch to the members of the House, is not the running up of a white flag? If the Senate was wrong why is not the Senate decent and honorable enough to say so, and to say so in plain terms and not dodge out of it in this way?

Mr. ALLISON. The matters relating to details of legislation are necessarily to a degree compromises. We may have been right or the House may have been right and we wrong. We have possession of the bill. Suppose the House had possession of the bill and this controversy was going on between the two Houses, would they not be very likely to make some effort to extricate themselves from the difficulty? Yet it is not a difficulty of the Senate, but a difficulty of the House as well, as we happen to have the bill, they can not take up this question in the House.

Mr. GALLINGER. They created the difficulty.

Mr. ALLISON. Very well; they created the difficulty, and with the thermometer as it now is, I for one am somewhat anxious that we shall go on as rapidly as we can, preserving our honor and not showing the white flag, if we can avoid it, and settle the question as respects this appropriation bill. The committee appointed on the part of the Senate to confer, an able committee as it is, is still in existence, as its chairman has informed us, having had some pleasant interviews and expects to have more. It will finally bring in here a report which will vindicate the honor of the Senate, if it needs vindication, which I do not believe.

Mr. TILLMAN. If the Senator will permit me, should the bone of contention be taken from the possession of the committee by the Senate surrendering its contention and therefore we facilitate the gracious consent of the House to the passage of this bill, if that would not be an ignominious surrender I do not know what you would call it. Why not let the committee discuss the whole proposition as it was submitted to it after a week's debate here? The Senate considered calmly and deliberately without any passion or heat what its just rights were. Motion after motion was made, and finally the motion of the Senator from Alabama [Mr. PETTUS] prevailed for the appointment of this committee, not in the ordinary way, but by a special resolution calling the attention of the House to the fact that this committee was appointed to consider the differences on the Army appropriation bill and the relative rights of the two Houses and the proper method of proceeding with that difference.

Mr. ALLISON. I understand that this committee is considering the question as to whether the House have a right, in the first instance, to instruct their committee and thereby prevent a full and free conference. On that question now they are not ready to report, and they may not be ready for some days. I do not think there is any great humiliation in our proposing to recede from one amendment. In fact, I think we ought never to have adopted it.

Mr. TILLMAN. I agree to that probably, but why not agree to recede from all three?

Mr. FORAKER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield?

Mr. ALLISON. I have said all I desire to say.

Mr. FORAKER. I yield to the Senator from South Carolina.

Mr. TILLMAN. I yield to the Senator. I am only trying to get at the real situation here, the true inwardness, so to speak, of this remarkable condition.

Mr. FORAKER. I do not want to prolong this contention or to keep Congress in session unduly, but it may be remarked in this connection, in answer to what the Senator from Iowa said, that the thermometer is no higher at this end of the Capitol than it is at the other end. We can stay here as long as the other House can.

Mr. ALLISON. I am not sure about that, but I suppose it is true.

Mr. FORAKER. However, I do not want to speak as though such an issue as that indicates might come to pass. I think this is a matter that ought to be proceeded with in an orderly way, a way consistent with the dignity and honor and self-respect of the Senate. I think inasmuch as the committee, which we appointed to confer with a like committee from the House on the message sent us by the House, is not yet ready to report, and inasmuch as it is desired to proceed here, that we should, instead of commencing by surrendering one of the controverted propositions, simply ask that the House will grant a full and free conference on all the amendments made by the Senate to this bill. I think if they will yield as to two of them, they can with equal propriety yield as to all three of them.

In asking the House to give us a conference upon all three amendments, we are not asking anything more than that which we are clearly entitled to. Therefore I send to the Secretary's desk and ask to have read a motion which I offer as a substitute for the motion made by the Senator from Vermont.

The PRESIDENT pro tempore. The motion proposed by the Senator from Ohio will be read.

The Secretary read as follows:

Resolved, That the Senate insist upon its amendments to the bill, and ask a full and free conference with the House thereon.

The PRESIDENT pro tempore. The motion to recede will take precedence of that.

Mr. FORAKER. A motion to recede?

The PRESIDENT pro tempore. Yes; because it brings the two Houses one step nearer together.

Mr. FORAKER. Is not that rule only applicable after conference committees have been appointed? The Senate passed with amendments a bill that was sent to us by the House of Representatives. The bill has been, with those amendments, returned to the House. The House has refused to concur, and has sent us a message, in which it is stated that it has refused to concur; that it has appointed conferees, and has instructed them not to confer as to three amendments that were adopted by the Senate, but to confer as to all the other amendments. The Senate was manifestly unwilling to act upon such a message as that from the House. The Senate was willing to have a full and free conference, but not willing to have a conference that is less than full and free.

The Senator from Vermont, in offering the motion he made a while ago, did, it is true, provide that one of these controverted propositions should be receded from and requested the House to grant us a conference as to the other two. What I propose is, first, before asking for a conference as to the two, that we ask for what the Senate is manifestly entitled to have—a full and free conference as to all of the amendments. I have no interest in any one of the amendments, except only as every Senator here is interested; but I have a great deal of interest in the great, general, broad proposition that underlies this whole proceeding.

Mr. TILLMAN. I rise to a point of order, Mr. President.

The PRESIDENT pro tempore. The Senator will state his point of order.

Mr. TILLMAN. I want to know if it is in order and whether a Senator has the power, acting by himself, without any conference with his colleagues on the committee, to make this motion to recede at this stage of the proceeding?

The PRESIDENT pro tempore. The Chair has not the slightest doubt about its being in order.

Mr. SPOONER. The Senator from South Carolina ought to remember that the Senator from Vermont does not make this motion as a member of the conference committee which was appointed on the message from the House of Representatives.

Mr. TILLMAN. Does he make it as a member of any conference committee?

Mr. SPOONER. He makes it not as a member of any conference committee, but he makes it as a Senator on the Committee on Military Affairs who had this bill in charge.

Mr. TILLMAN. He makes it as an individual?

Mr. SPOONER. Yes, sir; he makes it as the Senator who has this bill in charge. This bill was not committed to a conference, and never has been sent to a conference. The committee on the message of the House of Representatives expect to report later, and I hope they will be able to report in a manner satisfactory to the Senate; but, like all matters of this sort, which generate more or less feeling, we can not get it settled in a moment. From the fact that we are not making any report at this time it must not be understood that we are at all willing to yield the dignity or the rights of the Senate; but each House is a part of the legislative department, and we must cooperate in doing business if we expect to get along in a courteous and gentlemanly way. The

motion made by the Senator from Vermont does not emanate at all from the committee.

Mr. TILLMAN. How can the Senator say that he is not a member of the committee?

Mr. SPOONER. I am not a member of the committee.

Mr. TILLMAN. You are not a member of the committee of conference?

Mr. SPOONER. Certainly I am; but this does not come from that committee.

Mr. TILLMAN. The Senator from Vermont is a member of that same committee and the Senator from Colorado is a member of the committee.

The PRESIDENT pro tempore. Senators will please address the Chair and observe the rules.

Mr. SPOONER. I guess the Senator from South Carolina has put me out of order now. I do not know.

The PRESIDENT pro tempore. No; the Senator from Wisconsin has the floor.

Mr. SPOONER. The Senator from Vermont is not only a member of this committee, and he has participated with us in most of our conferences, but he is also a member of the Committee on Military Affairs, which has the bill in charge, and that Senator reported the bill from that committee. He sees fit to make this motion. His motion does not in any wise interfere with the jurisdiction of the committee of conference or conclude the Senate on that matter.

Mr. HOAR. I rise to a question of order, Mr. President.

The PRESIDENT pro tempore. The Senator will state his question of order.

Mr. HOAR. My question of order is that the Army bill is not before the Senate. Perhaps a statement of the situation will show that I am wrong in my facts. It is true that a motion to recede precedes a motion to insist and to ask for a further conference, but you have first to get the bill before the Senate. The conference committee, if I am correctly informed at the desk—and if not my point of order does not lie—have not reported. The Senator from Vermont gets up and makes a motion that the Senate recede from a certain amendment on some bill which is now before a committee of conference.

Mr. SPOONER. If the Senator will pardon me a moment, this so-called conference committee is not a committee appointed to consider the bill.

Mr. HOAR. I am not speaking of the committee of which the Senator from Wisconsin is chairman, but I am speaking of the committee for which the Senator from Vermont has acted as the representative with reference to this bill.

Mr. SPOONER. There has been no conference committee appointed on the bill.

Mr. HOAR. Has the Nicaragua bill, which was pending before the Senate, been displaced by vote of the Senate and the Army bill taken up for consideration?

Mr. SPOONER. Temporarily.

Mr. HOAR. That could not be done except by unanimous consent or by vote of the majority to displace the canal bill. I rise to a question of order, Mr. President, that the motion of the Senator from Vermont is not in order and is not properly before the Senate.

The PRESIDENT pro tempore. The Chair overrules the point of order. The bill was sent from the House of Representatives to the Senate with the request that there be a conference. It is now before the Senate. At the request of the Senator from Vermont, the Chair laid the bill before the Senate.

Mr. HOAR. Then I suppose that laying the bill before the Senate is merely a matter of information, unless the Senate have agreed to take it up. You can not displace a pending measure in that way. It is a very serious proposition if at any time when the Senate has voted to engage in the consideration of a measure and that measure is pending it may lose its place by having some request from the other House laid before the Senate, taken up, and debated. We may debate this question six weeks if the Senate has a mind to do so.

The PRESIDENT pro tempore. The Secretary will read clause 5 of Rule VII.

The Secretary read as follows:

5. The Presiding Officer may at any time lay, and it shall be in order at any time for a Senator to move to lay before the Senate any bill or other matter sent to the Senate by the President or the House of Representatives, and any question pending at that time shall be suspended for this purpose. Any motion so made shall be determined without debate.

Mr. HOAR. Very well.

Mr. TILLMAN. There was no "motion so made." We had no vote, but merely a request was made.

The PRESIDENT pro tempore. The Senator from Vermont asked unanimous consent.

Mr. HOAR. Do I understand, then, that the construction given to that rule by the Chair is this: That if the Clerk of the House of Representatives brings over here, when some measure is pending on which we have agreed to vote at a certain time and debate is going on, a dozen bills, each one of those bills in succession may be laid before the Senate and a vote demanded on any motion; twenty motions may be made, and if they are made one after another and the yeas and nays are called the pending business, however important, may be dispensed with until that time?

The PRESIDENT pro tempore. The Chair always lays before the Senate every message that comes from the House of Representatives.

Mr. HOAR. That I understand; but I understand that is a matter ordinarily of information and not to displace the pending business. If the position of the Chair is as I understand it, there is a weapon in regard to the delay of pending business in the power of any Senator, it seems to me, of a most important and dangerous character.

Mr. FORAKER. Mr. President, putting it in a difierent way, the question arises whether or not when a bill brought from the House is laid before the Senate it is in order for a Senator to suspend the pending business under consideration by moving an amendment and then proceeding to discuss it, and when that amendment has been disposed of, proceeding with other amendments one after another indefinitely, discussing them, and thus consuming the whole day. Is that in order?

Mr. ALDRICH. A bill which comes from the House of Representatives is not amendable under our rules without a reference, except by unanimous consent.

Mr. FORAKER. A bill which has just come from the House of Representatives is about to be amended if the proposition of the Senator from Vermont should prevail. He moves, if I understand him, that we recede from an amendment which we have made to the bill, thus restoring the original text. That is an amendment to the bill as it passed the Senate.

Mr. ALDRICH. A motion to recede is undoubtedly in order where there is a disagreement between the two Houses; but the Senator from Ohio said a motion to amend the bill.

Mr. FORAKER. I am speaking of this as the equivalent in parliamentary effect of a motion to amend whether it is in parliamentary name or not.

Mr. ALDRICH. The course followed in this case has been the course always followed in the Senate within my recollection. The Presiding Officer lays messages from the House of Representatives before the Senate, and a motion to recede from an amendment is always held to be in order.

Mr. TILLMAN. Mr. President, this bill was sent over here about three weeks ago, and along with it came a message notifying us that the House had instructed its conferees not to confer about certain amendments. That was such an extraordinary proceeding that the Senate took no action. It was debated here for several days at various times, and finally the Senate passed a resolution appointing a committee of three to confer with a like committee on the part of the House about the differences between the two Houses on the Army bill, if I recollect the phraseology.

Mr. SPOONER. No; if the Senator will pardon me, it was to confer with the House on the message from the House.

Mr. TILLMAN. On the message of the House about the Army appropriation bill.

Mr. SPOONER. Not on the bill.

Mr. TILLMAN. That is only a roundabout way to get at the bill at last.

Mr. SPOONER. No; we were not dealing at all with the amendments.

Mr. TILLMAN. No; it was to deal with the question of the House sending us such a message, which in effect precluded the Senate from any action except to subside and surrender. That is the point; and it is a question now, to my mind, as to whether we had any right to put those amendments on or whether the House had any right to send us such a message. That is all.

So far as the merits of the controversy are concerned, they do not enter into the question—I mean whether these amendments ought to remain in the bill or go out of it. I presume the Senate, if it could get hold of the matter, would vote them out; but the point at issue, as I understand it, is whether we shall surrender our right to amend a House bill.

Mr. PROCTOR. Mr. President——

The PRESIDENT pro tempore. The Senator from Vermont.

Mr. TILLMAN. Mr. President, I have not given up the floor yet. I will yield, with pleasure, but I do not yield in that kind of style.

The PRESIDENT pro tempore. The Chair thought the Senator from South Carolina had yielded the floor. Does the Senator yield to the Senator from Vermont?

Mr. TILLMAN. I do.

Mr. PROCTOR. Mr. President, I am willing the Senator shall finish, or I will make a brief explanation now.

Mr. TILLMAN. I am perfectly willing to let the Senator make his explanation.

Mr. PROCTOR. The motion I made entirely ignores the message of the House and the resolution of the House that is before

the committee which was appointed by the Senate, of which the Senator from Wisconsin [Mr. SPOONER] is the chairman. It entirely ignores that, and leaves that whole matter to the Senate to deal with as it shall see fit.

The motion I made was to recede from this first amendment, leaving the other two, to which the House objected, for a full and free conference. My reason for moving to recede from that amendment is because it is in contravention of an existing statute, and so I thought it was indefensible. While I thought the amendment would have been, if agreed to, a wise and a good one, I thought it strictly indefensible, and, while not surrendering the right of amendment, that it would put us in a much better position to recede from that amendment, which is plainly in contravention of existing law.

Mr. TILLMAN. Do I understand the Senator from Vermont to stand up here and, in cold blood, tell us that we have not the right to amend any bill as we please; and is this anything more than an amendment to existing law?

Mr. PROCTOR. I did not say any such thing.

Mr. TILLMAN. You said it was indefensible.

Mr. PROCTOR. I say I do not think it wise to insist, but wiser to recede from an amendment which really is not defensible.

Mr. TILLMAN. Mr. President——

Mr. FORAKER. The Senator——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Ohio?

Mr. TILLMAN. With pleasure.

Mr. FORAKER. I want to say a word in answer to the remark made by the Senator from Vermont about the character of this amendment to the effect that it is indefensible. The question to which he refers in that connection was under consideration in the Committee on Military Affairs. It is true that there is a statute that places a limitation upon the amount that may be expended for the character of buildings that this money is to be devoted to the construction of; but it was the unanimous opinion of the committee, the Senator from Vermont included, that Congress had a right in passing this bill to amend that statute; that it was not necessary for us to repeal that statute; but that we could overcome the effect of it properly and legitimately by a simple provision that in this case this money should be expended in the way here pointed out.

The Senator says that the amendment, otherwise than that it is in conflict with that statute, is a wise and just measure, in his opinion. There can not be any question in my mind but that it is a wise and just measure. We did not pass it because any Senator wanted that there should be any such appropriation of money, but because we were advised of conditions that could not be met otherwise than by such an appropriation of money, and when our attention was called to the statute limiting the amount, we proceeded to legislate, recognizing, as the Senator from South Carolina [Mr. TILLMAN] has just suggested, that it is competent for this Congress to enact a law that will be a repeal or that will override that statute to which reference is made.

It can not be said justly that this amendment is indefensible because it is in conflict with a provision of the existing statute. Nobody presumed so to characterize it in committee. I have no special interest in the amendment; I am perfectly willing that it may go out if it should be thought, after proper consideration of it by those deputed to consider it, that it ought to go out. I have no objection to the conferees striking it out, but I do object to the House striking it out and telling us to strike it out, and sending us a message to the effect that our amendment is indefensible, that it is in violation of the rules of the House, and that we must not commit such a violation of the rules of the House, because they can not any longer tolerate such a practice as that by the Senate of the United States.

It did not seem to me that it would take any longer than the House had an opportunity to recede from that kind of a proposition that it would recede from it; but after a committee, a polite and diplomatic and capable committee such as this body appointed, has been negotiating with a like committee of the House for two or three weeks, they have come in here and said all they can do is to report progress; that they have had a number of very pleasant and agreeable meetings, but they have not reached a conclusion. Thereupon, the Senator from Vermont takes the floor and moves that we recede from one of the amendments—an amendment in which I have no interest personally, and I do not care whether it stays in the bill or not, though I voted to put it in because I thought the public good required that it should go in, and every other member of the committee thought that the public good required that it should go in.

I for one am willing to stay here until the thermometer is higher than it now is before I will yield to any such thing. Therefore it is that I am not making any point of order. I am perfectly willing that the vote shall be taken now or at any other time, and therefore it is, while I am perfectly willing that the Senator from Vermont shall make his motion now, I want also to make my motion, and if it does not get any other vote it will get mine. My own feeling about the matter will at least have been respected whether anybody's else feeling is or not.

Mr. TILLMAN. Mr. President, unless I misconstrue the merits of this question, it is not whether we shall retain either one of these three amendments in the act as it shall become a law, but it is a question of whether the Senate will demand and make the House finally surrender to the right of the Senate to amend a House bill. We have been subjected to a message from the House that we have put something on the Army bill which we had no right to put on, which is contrary to law, and, to use the language of the Senator from Vermont, is indefensible, and that the House will not tolerate such insolence on our part. That is the whole sum and substance of the situation.

I for one will vote with the Senator from Ohio that the Senate has the right to amend any bill that the House sends over here. If we find we are wrong in our amendment, I am for taking it off; but until I know that we are wrong I do not propose to be monkeyed out of it in this sort of fashion.

Mr. HOAR. Mr. President, I desire to call the attention of the Senate to this question of order, and if necessary, though I do not want to do it, I will take an appeal for the purpose of making it debatable; or perhaps the Senate will allow me to state my view without that formality.

This is certainly one of the most important matters regarding the rights of the Senate and the orderly course of debate. Clause 5 of Rule VII reads:

The Presiding Officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate any bill or other matter sent to the Senate by the President or the House of Representatives.

The matter must be sent to the Senate by the President or by the House of Representatives—

and any question pending at that time shall be suspended for this purpose. Any motion so made—

That is, made to take up the particular matter by any Senator—

shall be determined without debate.

There is nothing in the rule that requires that any other motion in regard to the subject shall be determined without debate, or when it shall be determined, but only the matter of laying it before the Senate.

Now, Mr. President, what has happened in regard to this matter? What brought it up—a message from the House or a motion, may I ask the Chair?

The PRESIDENT pro tempore. A message from the House of Representatives.

Mr. HOAR. A message from the House of Representatives. That message from the House of Representatives is that the House nonconcur in some amendments of the Senate. That we know. That has been laid before the Senate. Does the Chair rule that that brings before the Senate the measure, displacing or suspending existing business, whether it takes one week or six weeks to dispose of it, and that any matter which the House has sent over here may be in turn taken up, debated, and disposed of by a final vote of the Senate?

The PRESIDENT pro tempore. The Chair holds that a motion made by any Senator that the Chair lay such a matter before the Senate is in order.

Mr. HOAR. Very well; then all that is pending now, according to the Chair, is a motion to lay the matter before the Senate.

The PRESIDENT pro tempore. No; the Senator from Vermont asked that the bill be laid before the Senate by unanimous consent. He did not make the motion, and the Chair immediately responded by laying it before the Senate, no objection being made to the request.

Mr. HOAR. Was that done by unanimous consent, or under the authority of the Chair?

The PRESIDENT pro tempore. By unanimous consent, as the Chair understood it.

Mr. HOAR. I did not give any consent, and I did not hear the question asked for unanimous consent.

The PRESIDENT pro tempore. No attention was given by any Senator to the request of the Senator from Vermont.

Mr. HOAR. The Chair did it in the Chair's right to lay it before the Senate for information? Now, does the Chair hold that any motion which the Senator from Vermont may make, it having been laid before the Senate under the right of the Chair, is to be determined without debate, or only the motion to take it up?

The PRESIDENT pro tempore. Only the motion to take it up.

Mr. HOAR. Very well. Then the matter is before the Senate, and a motion to recede is in order and debatable.

The PRESIDENT pro tempore. It is.

Mr. HOAR. Does that displace the existing business?

The PRESIDENT pro tempore. It is a matter for the Senate to determine, whether it is in conflict with the unanimous-consent agreement, by which the unfinished business is to have the floor from time to time. It is not for the Chair to determine.

Mr. HOAR. Then we have, at least so far as the ruling of the

Chair goes, got the statement made that another matter than the canal bill is now lawfully before the Senate, subject to all parliamentary motions and debatable?

The PRESIDENT pro tempore. Yes. The Chair under that rule has no doubt, and he never has heard it questioned up to the present time, that any matter laid on the table from the President of the United States or from the House of Representatives might at any time suspend existing business and be laid before the Senate on request of any Senator. And the Chair was just about, before this came up, to lay before the Senate, at the request of the Senator from Massachusetts, a message from the House of Representatives in order that it may be disposed of.

Mr. HOAR. Will the Chair be good enough to do that now?

The PRESIDENT pro tempore. The Chair will do so with great pleasure immediately after this matter is disposed of.

Mr. HOAR. I should like to have the Chair do so now.

Mr. PROCTOR. Mr. President——

The PRESIDENT pro tempore. The Senator from Vermont.

Mr. HOAR. I have not yielded the floor.

The PRESIDENT pro tempore. The Chair begs pardon of the Senator from Massachusetts.

Mr. TILLMAN. Will the Senator from Massachusetts yield to me for one minute?

Mr. HOAR. I want to get the parliamentary condition settled.

Mr. TILLMAN. I wish to give the Senator some information. He was not in the Chamber when this began.

Mr. HOAR. Very well.

Mr. TILLMAN. I wish to state that the Chair, as I recollect, was asked by the Senator from Vermont to lay the Army appropriation bill before the Senate. He did not ask unanimous consent. There was no mention made by the Chair about unanimous consent. There was not any motion to take it up. It was simply brought forward and laid before the Senate by the Chair at the simple request of the Senator from Vermont, without any of the formalities which I have mentioned. Now, that is the fact.

The PRESIDENT pro tempore. It is. That is a correct statement.

Mr. HOAR. The Chair had a right to do that under the rule. But we have not any unanimous consent. Under the right given to the Chair by the rule he laid this matter before the Senate; and the next proposition, as I understand, is that any motion in order upon that bill as it stands is in order and debatable. That is the ruling, if I correctly understand the Chair.

Mr. PROCTOR. Mr. President, it did not occur to me when I made the motion that it would lead to debate. I thought it the only practicable way to get out of the unfortunate condition we were in, and I am sure it is not any surrender. The whole question of comity between the Houses is still before the Senate. It is entirely aside of that.

But I dislike to have this matter take the time of the Senate from the canal bill. The Senator from California [Mr. PERKINS], I believe, is ready to speak, and I ask that this matter may be laid aside.

The PRESIDENT pro tempore. It will lie on the table.

Mr. ALDRICH. Mr. President, just a single word in response to the remark made by the Senator from Massachusetts [Mr. HOAR] as to the rights of this bill. This bill is entitled to rights not only from having been laid before the Senate as a part of a message from the House of Representatives, but because it was a report of a conference committee.

Several SENATORS. No.

Mr. ALDRICH. The Senator from Vermont, I understand, although I was not listening to the debate, made a report from the conference committee that they had been unable to agree.

Several SENATORS. No.

Mr. PROCTOR. The Senator from Wisconsin is chairman of the committee having the matter in charge.

The PRESIDENT pro tempore. The bill was sent to the Senate from the House of Representatives, with the request for a conference.

Mr. ALLISON. The House asked for a conference. It is privileged in that respect.

Mr. ALDRICH. It is privileged in that respect. In every sense it was privileged to be laid before the Senate. The question of consideration could undoubtedly have been raised by the Senator from Massachusetts when it was laid before the Senate, and unless the Senate voted to proceed to the consideration of the bill it could not have been amended. And the question having been once raised——

Mr. HOAR. The Senator will pardon me. My object in dwelling on the point of order and making it clear is this: I understood the Chair in the beginning to hold that the rule that any motion so made should be determined without debate applied to all motions and not merely to the motion to take it up.

The PRESIDENT pro tempore. The Chair did not so state.

Mr. HOAR. I must have misunderstood the Chair in that particular. That being so, I do not know that there is any controversy between the Senator from Rhode Island and myself on the general proposition. Then the only question which would come up now, so far as I can see, is whether there is any unanimous consent involved.

The PRESIDENT pro tempore. The question of consideration can be raised even on a conference report.

Mr. ALDRICH. Unquestionably. My contention is that in the absence of objection the Chair was entirely right——

Mr. HOAR. Certainly.

Mr. ALDRICH. In laying this message before the Senate, and the Senator from Vermont was entirely right in making the motion to recede.

MARSHALS IN THE INDIAN TERRITORY.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2769) to fix the fees of United States marshals in the Indian Territory, and for other purposes; which were, on page 1, line 10, to strike out all after "Territory" down to and including the word "hundred," in line 13; on page 2, line 1, to strike out the word "State;" and on page 2, line 1, after the word "decision," to insert "of the Comptroller of the Treasury of the United States."

Mr. HOAR. Those amendments are the merest formal and verbal amendments, not changing the legal effect of the bill in the least. I hope they will be concurred in.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Massachusetts that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

ISTHMIAN CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

Mr. PERKINS obtained the floor.

Mr. MITCHELL. Would not the Senator from California prefer to go on in the morning?

Mr. PERKINS. It is immaterial to me.

Mr. PLATT of Connecticut. There are others who wish to speak to-morrow.

Mr. MITCHELL. I ask unanimous consent of the Senate that the Nicaragua Canal bill may be proceeded with immediately after the conclusion of the morning business to-morrow.

The PRESIDENT pro tempore. The Senator from Oregon asks unanimous consent that the unfinished business may be proceeded with immediately after the completion of the routine morning business. Is there objection?

Mr. McCUMBER. I object.

Mr. FORAKER. What is the request?

The PRESIDENT pro tempore. Was objection made?

Mr. McCUMBER. What is the request?

The PRESIDENT pro tempore. The Senator from Oregon asks unanimous consent that the unfinished business may be proceeded with immediately after the completion of the routine morning business.

Mr. McCUMBER. For how long a time?

Mr. GALLINGER. For the next three days.

The PRESIDENT pro tempore. For the remaining days until the bill is voted upon.

Mr. McCUMBER. The Senator from Oregon limited his request to to-morrow.

Mr. MITCHELL. I will modify the request.

Mr. McCUMBER. I shall not object as to to-morrow.

Mr. MITCHELL. I make the request, then, for to-morrow.

Mr. McCUMBER. For to-morrow.

The PRESIDENT pro tempore. Is there objection? The Chair hears no objection, and the order is made for to-morrow.

Mr. MITCHELL. Yes.

Mr. PERKINS. Do I understand that I will have the floor in the morning immediately after the morning business is concluded?

The PRESIDENT pro tempore. The Chair now recognizes the Senator from California, and will recognize him to-morrow morning.

Mr. GALLINGER. Mr. President, I desire to give notice that to-morrow I will submit some remarks on the unfinished business immediately following those of the Senator from California.

REGISTRATION OF VESSELS.

Mr. MALLORY. I ask unanimous consent for the present consideration of the bill (H. R. 11725) to amend section 4139 and section 4314 of the Revised Statutes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment of the Committee on Commerce was on page 1, line 7, after the word "company," to insert "or by an individual or individuals;" in line 11, after the word "behalf," to

insert "or the managing owner, or his agent duly authorized by power of attorney, when such vessel is owned by an individual or individuals;" on page 2, line 1, after the word "vessel," to strike out "by such company;" and in line 3, after the word "company," to insert "when such vessel is owned by a corporation;" so as to make the section read:

SEC. 4139. Previous to granting a register for any vessel owned by any incorporated company, or by an individual or individuals, the president or secretary of such company, or any other officer or agent thereof, duly authorized by said company in writing, attested by the corporate seal thereof, to act for the company in this behalf, or the managing owner, or his agent duly authorized by power of attorney, when such vessel is owned by an individual or individuals, shall swear to the ownership of the vessel without designating the names of the persons composing the company, when such vessel is owned by a corporation, and the oath of either of said officers or agents shall be deemed sufficient without requiring the oath of any other person interested and concerned in such vessel.

The amendment was agreed to.

The next amendment was, on page 2, line 11, after the word "company," to insert "or by an individual or individuals;" in line 15, after the word "behalf," to insert "or the managing owner, or his agent duly authorized by power of attorney, when such vessel is owned by an individual or individuals;" in line 18, after the word "vessel," to strike out "by such company," and in line 19, after the word "company," to insert "when such vessel is owned by a corporation;" so as to make the section read:

SEC. 4314. Previous to granting enrollment and license for any vessel owned by any incorporated company, or by an individual or individuals, the president or secretary of such company, or any other officer or agent thereof, duly authorized by said company in writing, attested by the corporate seal thereof, to act in its behalf, or the managing owner, or his agent duly authorized by power of attorney, when such vessel is owned by an individual or individuals, shall swear to the ownership of such vessel without designating the names of the persons composing such company, when such vessel is owned by a corporation, which oath shall be deemed sufficient without requiring the oath of any other person interested or concerned in such vessel.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SANTA FE PACIFIC RAILROAD COMPANY.

Mr. DOLLIVER. I ask unanimous consent for the present consideration of the bill (H. R. 10299) authorizing the Santa Fe Pacific Railroad Company to sell or lease its railroad property and franchises, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. DOLLIVER. I desire to offer certain amendments, mainly of a verbal character. They are indicated on the paper which I send to the desk.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The amendments proposed by the Senator from Iowa will be stated.

The SECRETARY. In section 2, page 2, line 24, after the word "Arizona," insert "respectively;" in the same line, after the word "of," insert "main;" in line 25, after the word "Territories," insert "respectively;" on page 3, line 4, after the word "sold," insert "and the rolling stock used thereon, but excepting;" in line 6, after the word "tax," insert "as to each Territory;" in line 8, after the word "until," strike out "the said Territories, or either of them" and insert "it shall;" and in line 9, after the word "as," strike out States and insert "a State;" so as to read:

That from and after the passage of this act the said Santa Fe Pacific Railroad Company, its successors or assigns, shall pay an annual tax at the rate of $175 per mile to the Territories of New Mexico and Arizona, respectively, for each mile of main track in said Territories, respectively, the same to be apportioned among the counties of said Territories in which said railroad is located according to the mileage in each county, respectively, and said taxes shall be in lieu of all other taxes on said property hereby authorized to be leased or sold and the rolling stock used thereon, but excepting the land-grant lands and shops, as hereinafter otherwise provided, and the payment of the said tax as to each Territory shall be made on or before the 1st day of December of every year after 1902 until it shall have been admitted into the United States of America as a State, etc.

The amendments were agreed to.

Mr. MORGAN. I think the Senator who called up the bill had better make an explanation of it. Some Senators seem to be in doubt as to what it means.

Mr. DOLLIVER. Mr. President, this is a bill to authorize the Santa Fe Pacific Railroad Company, which runs from Albuqurque to a point just within the borders of California, to sell or lease its property and franchises to the Atchison, Topeka and Santa Fe Railroad Company. The Santa Fe Pacific Railroad Company is the successor of the old Atlantic and Pacific Railroad Company. The Atchison, Topeka and Santa Fe Company now owns and has for many years owned all of the bonds and all of the stock of this company, and this bill is to authorize a nominal transfer of the property and franchises of the company to the real owner, for the purpose of avoiding the duplication of officers and the maintenance of a separate line of railway where no such corporation is needed.

This authority has been given by the State of California and, as I am informed, the State of Kansas, and the action of Congress in the matter is necessary only because the line of this railway, which is and has for many years been a part of the main track of the Atchison, Topeka and Santa Fe, lies within the Territories of New Mexico and Arizona.

I will say also that the Delegates from both those Territories have approved of this legislation and are anxious to have it enacted. I will say, in addition, that it was so entirely free from objection that it passed the House of Representatives by a unanimous vote.

Mr. PETTUS. I should like to have the Senator explain why it is that it is necessary to state how much tax shall be paid.

Mr. DOLLIVER. That was done as a special fayor to save the Territories of New Mexico and Arizona from a controversy about taxes with this company, and the railroad company agreed to it, although it raises the tax which they are now paying, I think, $50 a mile.

Mr. PETTUS. What are the taxes now paid a mile?

Mr. DOLLIVER. I think $125 a mile, and this raises it to $175 a mile by agreement between all the parties interested. It saves an ugly controversy, and I think the rate imposed is adequate.

Mr. PETTUS. Has not the law heretofore been that the Territory should tax as it saw fit?

Mr. DOLLIVER. I believe that is true. I think under the charter, however, this road was entirely exempt from taxes within those Territories. I am so informed by a gentleman who is very familiar with the Territory of Arizona.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MISSISSIPPI RIVER BRIDGE.

Mr. NELSON. I ask unanimous consent to call up the bill (H. R. 15004) to authorize the Minneapolis, Superior, St. Paul and Winnepeg Railway Company, of Minnesota, to build and maintain a railway bridge across the Mississippi River.

The PRESIDING OFFICER. The Chair is informed that this bill came over to-day from the House.

Mr. NELSON. And it was substituted on the Calendar for a similar Senate bill.

The PRESIDING OFFICER. The bill is not at present in possession of the clerks. The Chair is informed that it has gone to the printer.

DONATION OF CONDEMNED CANNON.

Mr. HOAR. I am authorized by the Senator from Vermont [Mr. PROCTOR] to move that the Committee on Military Affairs be discharged from the further consideration of the joint resolution (S. R. 113) authorizing the Secretary of War to furnish condemned cannon for a monument to the soldiers of Worcester County who served in the war for the Union, to be surmounted by an equestrian statue of the late Maj. Gen. Charles Devens, United States Volunteers, and I ask that the joint resolution be put upon its passage. I am authorized by the Senator from Vermont to make the motion. It is a copy precisely of the bill just passed in regard to the monument in the State of New Jersey.

Mr. BERRY. I should like to inquire of the Senator from Massachusetts how long the joint resolution has been before the Committee on Military Affairs?

Mr. HOAR. The joint resolution was introduced last Thursday and referred to the Committee on Military Affairs. It has been examined by the Senator from Vermont [Mr. PROCTOR], who authorized me to make this motion. I am going away, and I desire very much to get the bill through. It is an exact copy of the bill just passed in regard to the monument of the late Senator from New Jersey, General Sewell, and such a bill, I believe, invariably, as a matter of course, if the condemned cannon are in the possession of the Department, is always passed on request.

Mr. BERRY. I make no objection to it. I was just a little curious to know about discharging the committee by order of the Senate. It has not been customary unless they had charge of the measure for a great while.

Mr. HOAR. I want very much to get it through the House this week if I can.

Mr. BERRY. Certainly; I do not object.

The PRESIDING OFFICER. If there be no objection, the Committee on Military Affairs will be discharged from the further consideration of the joint resolution, and it will be read.

The joint resolution was read; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. HOAR. After the words "Worcester County," in line 9, I move to insert "Massachusetts."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A joint resolution authorizing the Secretary of War to furnish condemned cannon for a monument to the soldiers of Worcester County, Mass., who served in the war for the Union, to be surmounted by an equestrian statue of the late Maj. Gen. Charles Devens, United States Volunteers."

EXPENDITURES IN CUBA.

Mr. PLATT of Connecticut. I present a communication addressed to me by the Secretary of War, transmitting a statement of receipts and expenditures in Cuba for the months of May and June, 1900, and also requesting that an appropriation of $10,000 be made to enable the War Department to continue the preparation of the report of expenditures in Cuba since April 30, 1900. I move that the communication be referred to the Committee on Appropriations, to be considered in connection with the general deficiency appropriation bill.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 17, 1902, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 16, 1902.

REGISTER OF LAND OFFICE.

Charles A. Blake, of South Dakota, to be register of the land office at Huron, S. Dak., his term having expired. (Reappointment.)

POSTMASTERS.

Caleb S. Brinton, to be postmaster at Carlisle, in the county of Cumberland and State of Pennsylvania, in place of Charles F. Humrich. Incumbent's commission expired January 31, 1902.

Frederick Brunhouse, to be postmaster at Mechanicsburg, in the county of Cumberland and State of Pennsylvania, in place of John S. Weaver. Incumbent's commission expired January 14, 1902.

MEMBERS OF BOARD OF CHARITIES.

Simon Wolf, of the District of Columbia, to be a member of the board of charities of the District of Columbia for the term of three years from July 1, 1902. (Reappointment.)

Charles P. Neill, of the District of Columbia, to be a member of the board of charities of the District of Columbia for the term of three years from July 1, 1902. (Reappointment.)

CONSUL.

Joseph E. Proffit, of West Virginia, to be consul of the United States at Pretoria, South Africa, vice Adelbert S. Hay, resigned.

PROMOTION IN THE NAVY.

Capt. Charles E. Clark, to be advanced seven numbers in rank and to be a rear-admiral in the Navy, from the 16th day of June, 1902, to take rank next after Rear-Admiral Henry Glass and to be an additional number in the grade of rear-admiral.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 16, 1902.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday, June 14, was read, corrected, and approved.

ORDER OF BUSINESS FOR THURSDAY NEXT ET SEQ.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent for the present consideration of a resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Wisconsin asks for the present consideration of a resolution which the Clerk will report to the House.

The Clerk read as follows:

Mr. COOPER, chairman of the Committee on Insular Affairs, submits the following request for unanimous consent:

That immediately after the reading of the Journal on Thursday, June 19, and each day thereafter until and including Thursday, June 26, the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate bill 2295.

That general debate on said bill shall continue for five days.

That after Thursday, June 19, and during the continuance of this order, the House shall meet each day at 11 o'clock, and at 5 o'clock on each day a recess shall be taken until 8 o'clock for evening sessions, which evening sessions shall continue not later than 10.30 p. m., and be devoted to debate only on said bill.

That on Wednesday, June 25, the House in Committee of the Whole shall immediately proceed with the consideration of the said bill under the five-minute rule; that consideration of the text of the Senate bill for amendment shall be waived, and the Committee of the Whole shall proceed to consider, for discussion and amendment by sections the substitute amendment proposed by the Committee on Insular Affairs: *Provided, however*, That at any time amendments may be offered on behalf of said committee to any part of said substitute amendment.

That at 4 o'clock on Thursday, June 26, the Committee of the Whole shall rise and report said bill and all pending amendments to the House, and thereupon the previous question shall be considered as ordered upon the bill and all pending amendments thereto, including one amendment in the nature of a substitute to be offered by the minority of the Committee on Insular Affairs, to final disposition without intervening motions.

That leave is hereby granted to all members speaking on said bill to extend their remarks in the RECORD.

Provided, That this order of the House shall not interfere with the consideration of appropriation or revenue bills, conference reports, or Senate amendments to House bills. If, however, the consideration of any such bills or reports consumes an hour or more of the time of the House on any day during the continuance of this order then the time for the consideration of the bill S. 2295 and the time for reporting the same to the House by the Committee of the Whole shall be correspondingly extended. Such extension of time to apply to the debate under the five-minute rule.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. COOPER of Wisconsin. Mr. Speaker, I desire to say to the House——

Mr. RICHARDSON of Tennessee. The right to object is reserved, of course.

The SPEAKER. The Chair understands.

Mr. COOPER of Wisconsin. That this resolution has the unanimous approval of the Committee on Insular Affairs.

Mr. HILL. I desire to reserve the right to object.

The SPEAKER. Is there objection?

Mr. HILL. As I understand the rule, it provides for action on the bill without any amendment except such amendments as are proposed by the committee. Am I correct?

The SPEAKER. That is not the effect of the rule at all.

Mr. HILL. Will it be in order to move an amendment to the substitute, so far as the coinage provisions are concerned, under the rule?

The SPEAKER. If it is reached in Committee of the Whole, it will be.

Mr. DINSMORE. Is it not the effect of the resolution that the substitute shall be open only to amendments of the committee?

Mr. GAINES of Tennessee. That is the way I understood it, and that is why I want to inquire about it.

Mr. COOPER of Wisconsin. That is not the effect of the rule. Mr. Speaker, I call the attention of the House to the phraseology of the rule:

That on Wednesday, June 25, the House, in Committee of the Whole, shall immediately proceed with the consideration of the said bill—

That is, the Senate bill—

under the five-minute rule; that consideration of the text of the Senate bill for amendment shall be waived, and the Committee of the Whole shall proceed to consider, for discussion and amendment, by sections, the substitute amendment proposed by the Committee on Insular Affairs.

The effect of that is to bring the House to the immediate consideration, under the five-minute rule, of the bill reported by the Committee on Insular Affairs of the House for amendment by sections.

When the committee amendments are disposed of the bill shall be taken up and voted on at 4 o'clock.

Provided, however, At any time amendments may be offered on behalf of said committee to any part of said substitute amendment.

Mr. RICHARDSON of Tennessee. Let me ask the gentleman if the effect of that proposition is not to enable the Insular Committee, if it sees fit to do so, to have amendments pending during the entire two days that the bill is open for amendment under the five-minute rule, engrossing the entire time, so that other amendments can not be offered.

Mr. COOPER of Wisconsin. Mr. Speaker, I desire to say to the gentleman from Tennessee that nothing is further from the intention of the Committee on Insular Affairs than the course indicated by the gentleman.

Mr. RICHARDSON of Tennessee. Now, then, I accept that statement.

Mr. COOPER of Wisconsin. Speaking for myself, as chairman of the committee, if I may be permitted to control the conduct of affairs on behalf of the committee, nothing of that kind will be tolerated.

Mr. RICHARDSON of Tennessee. I accept that; therefore I shall not object, inasmuch as the minority members of the Committee on Insular Affairs have agreed to this rule; but I do desire to say that there is a serious objection to a rule with this provision, that at the end of two days, at the hour fixed by this rule, the bill must be reported from the Committee of the Whole House to the House of Representatives and a vote taken. Now, suppose at that hour the completion of the bill has not been had in the Committee of the Whole; in other words, suppose that the committee has not completed the reading of the House bill, under

the five-minute rule for amendments. If the rule is agreed to, it must be reported, and possibly one-half of the bill not read in the Committee of the Whole under the five-minute rule. Now, that is not right.

Mr. COOPER of Wisconsin. Mr. Speaker, I desire to say for the information of the gentleman from Tennessee that that view of the situation was all discussed in the Committee on Insular Affairs. There are many sections of the bill to which there will be no amendment offered, which is perfectly apparent on reading the bill, such as to confirm the acts of the President in appointing the Commission and confirming laws passed by the Commission.

Mr. RICHARDSON of Tennessee. I have no doubt that is true.

Mr. COOPER of Wisconsin. There are, however, some sections to which amendments will undoubtedly be offered.

Mr. RICHARDSON of Tennessee. I hope the consideration of the bill will be completed under the five-minute rule in the two days, but I do not believe that we should have agreed—that the committee should have agreed—to a proposition which brings us arbitrarily to a vote at a given hour, whether we have completed the reading of the bill or not for amendment. But I shall not object.

Mr. COOPER of Wisconsin. The objection of the gentleman from Tennessee is applicable to every rule brought in here on the part of the Committee on Rules.

Mr. RICHARDSON of Tennessee. Oh, no. We ought not to have had a rule that did not provide for completing the reading of the bill under the five-minute rule. We ought to complete it. That is the proper way.

Mr. COOPER of Wisconsin. I will say to the gentleman it is the unanimous opinion of the minority of the committee that two days under the five-minute debate, beginning at 11 o'clock in the forenoon, would suffice to complete the bill by sections for amendment.

Mr. GAINES of Tennessee. Will the gentleman allow me to ask him a question?

Mr. COOPER of Wisconsin. Certainly.

Mr. GAINES of Tennessee. I understood from the reading of the rule, and evidently several of my colleagues so understood, that no amendment would be allowed to the bill at any time unless offered by members of the Insular Committee. Is that so?

Mr. COOPER of Wisconsin. The gentleman misapprehends the purpose entirely.

Mr. GAINES of Tennessee. I am glad that I misunderstood it.

Mr. UNDERWOOD. I wish the gentleman would yield to me.

Mr. COOPER of Wisconsin. Certainly.

Mr. UNDERWOOD. Mr. Speaker, I wish to say that the reason I will not object to this rule, although there is good reason, is because the minority members of the Insular Committee have agreed to accept the rule as it is. The rule, it is true, may be used by the majority of the Committee on Insular Affairs to prevent any amendment being offered which this House or individual members may wish, if they desire to do so, by consuming the entire two days on committee amendments.

The rule provides that the committee may offer as an amendment to the whole bill a bill that is satisfactory to the minority of this House, to be voted upon, and therefore we on this side of the House have an opportunity to offer what we believe is a fair solution of this proposition. It has been nearly four years since the United States has had control of the Philippine Islands. We have been governing them by military government, by arbitrary rule, by czar-like power, and this is the first opportunity that the Republican party has given in this House for us to come to a proposition where we can offer an amendment to govern them by civil authorities. The rule, so far as we are concerned, provides that we may offer our substitute; and I believe that the minority members of the Insular Committee were correct in accepting this proposition.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

On motion of Mr. COOPER of Wisconsin, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

REBECCA J. TAYLOR.

Mr. GILLETT of Massachusetts. Mr. Speaker, on behalf of the Committee on Reform in the Civil Service, I present a report on privileged resolution No. 295, and I move that the same lie on the table.

The Clerk read the resolution, as follows;

Resolved by the House of Representatives of the United States of America, That the Secretary of War be, and is hereby, respectfully requested to communicate to the House of Representatives the causes and reasons for the dismissal of Rebecca J. Taylor from her position in the classified service in the War Department, if not incompatible with the interests of the public service.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts, that the resolution lie on the table.

Mr. SHALLENBERGER. And on that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 109, nays 85, answered "present" 14, not voting 143; as follows:

YEAS—109.

Allen, Me.	Eddy,	Kahn,	Rumple,
Aplin,	Emerson,	Ketcham,	Scott,
Beidler,	Esch,	Knapp,	Shattuc,
Bingham,	Evans,	Kyle,	Sherman,
Bishop,	Fletcher,	Lacey,	Showalter,
Blackburn,	Foerderer,	Lawrence,	Sibley,
Bowersock,	Foss,	Lessler,	Smith, Ill.
Brick,	Foster, Vt.	Lewis, Pa.	Smith, S. W.
Bristow,	Gaines, W. Va.	Long,	Southard,
Brown,	Gibson,	Loud,	Sperry,
Burk, Pa.	Gillet, N. Y.	Martin,	Steele,
Burke, S. Dak.	Graff,	Metcalf,	Stevens, Minn.
Burkett,	Grosvenor,	Mondell,	Stewart, N. J.
Burton,	Grow,	Moody, N. C.	Stewart, N. Y.
Calderhead,	Hamilton,	Moody, Oreg.	Storm,
Cannon,	Haskins,	Morris,	Sulloway,
Capron,	Hedge,	Needham,	Sutherland,
Conner,	Hemenway,	Olmsted,	Tawney,
Cooper, Wis.	Henry, Conn.	Otjen,	Tompkins, Ohio
Cousins,	Hepburn,	Palmer,	Tongue,
Crumpacker,	Hill,	Parker,	Van Voorhis,
Currier,	Hitt,	Patterson, Pa.	Vreeland,
Curtis,	Hopkins,	Payne,	Wachter,
Dalzell,	Hughes,	Pearre,	Warnock,
Darragh,	Hull,	Perkins,	Woods.
Dick,	Jenkins.	Powers, Me.	
Dovener,	Jones, Wash.	Ray, N. Y.	
Draper,	Joy,	Reeder,	

NAYS—85.

Allen, Ky.	Fleming,	McCleary,	Sims,
Ball, Tex.	Fox,	McCulloch,	Small,
Bartlett,	Gaines, Tenn.	McRae,	Smith, Ky.
Bellamy,	Gilbert,	Maddox,	Snodgrass,
Bowie,	Goldfogle,	Mickey,	Snook,
Brantley	Griffith,	Miers, Ind.	Spight,
Breazeale,	Hay,	Minor,	Stark,
Bromwell,	Henry, Miss.	Moon,	Stephens, Tex.
Burleson,	Hooker,	Norton,	Swanson,
Burnett,	Howard,	Randell, Tex.	Thayer,
Butler, Mo.	Jackson, Kans.	Reid,	Thomas, N. C.
Candler,	Johnson,	Richardson, Ala.	Thompson,
Cassingham,	Jones, Va.	Richardson, Tenn.	Underwood,
Clayton,	Kitchin, Claude	Rixey,	Vandiver,
Cooper, Tex.	Kitchin, Wm. W.	Robb,	Wheeler.
Cowherd,	Kleberg,	Robinson, Ind.	Wiley,
Davis, Fla.	Lanham,	Rucker,	Williams, Miss.
De Armond,	Lester,	Ruppert,	Wooten,
Dinsmore,	Lewis, Ga.	Ryan,	Zenor.
Dougherty,	Little,	Selby,	
Edwards,	Livingston,	Shackleford,	
Fitzgerald,	Lloyd,	Shallenberger,	

ANSWERED "PRESENT"—14.

Adamson,	Loudenslager,	Padgett,	Skiles,
Boutell,	McClellan,	Pierce,	Tirrell.
Burgess,	Mann,	Pou,	
Gillett, Mass.	Mercer,	Roberts,	

NOT VOTING—143.

Acheson,	Dayton,	Kluttz,	Ransdell, La.
Adams,	De Graffenreid,	Knox,	Reeves,
Alexander,	Deemer,	Lamb,	Rhea, Va.
Babcock,	Douglas,	Landis,	Robertson, La.
Ball, Del.	Driscoll,	Lassiter,	Robinson, Nebr.
Bankhead,	Elliott,	Latimer,	Russell,
Barney,	Feely,	Lever,	Scarborough,
Bartholdt,	Finley,	Lindsay,	Schirm,
Bates,	Flood,	Littauer,	Shafroth,
Bell,	Fordney,	Littlefield,	Shelden,
Belmont,	Foster, Ill.	Lovering,	Sheppard,
Benton,	Fowler,	McAndrews,	Slayden.
Blakeney,	Gardner, Mich.	McCall,	Smith, Iowa
Boreing,	Gardner, N. J.	McDermott,	Smith, H. C.
Broussard,	Gill,	McLachlan,	Smith, Wm. Alden
Brownlow,	Glenn,	McLain,	Southwick,
Brundidge,	Gooch,	Mahon,	Sparkman,
Bull,	Gordon,	Mahoney,	Sulzer,
Burleigh,	Graham,	Marshall,	Talbert,
Butler, Pa.	Green, Pa.	Maynard,	Tate,
Caldwell,	Greene, Mass.	Meyer, La.	Tayler, Ohio
Cassel,	Griggs,	Miller,	Taylor, Ala.
Clark,	Hall,	Morgan,	Thomas, Iowa
Cochran,	Hanbury,	Morrell,	Tompkins, N. Y.
Connell,	Haugen,	Moss,	Trimble,
Conry,	Heatwole,	Mudd,	Wadsworth,
Coombs,	Henry, Tex.	Mutchler,	Wanger,
Cooney,	Hildebrant,	Naphen,	Warner,
Corliss,	Holliday,	Neville,	Watson,
Creamer,	Howell,	Nevin,	Weeks,
Cromer,	Irwin,	Newlands,	White,
Crowley,	Jack,	Overstreet,	Williams, Ill.
Cushman,	Jackson, Md.	Patterson, Tenn.	Wilson,
Dahle,	Jett,	Powers, Mass.	Wright,
Davey, La.	Kehoe,	Prince,	Young.
Davidson,	Kern,	Pugsley,	

So the motion to lay the resolution on the table was agreed to.

Mr. ADAMSON. Mr. Speaker, I am paired with the gentleman from Pennsylvania, Mr. WANGER, and I desire to change my vote from "no" to "present."

Mr. COOPER of Texas. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in his seat and listening for his name when it should have been called?

Mr. COOPER of Texas. I was.

The SPEAKER. And failed to hear it?

Mr. COOPER of Texas. I did.

The SPEAKER. Call the gentleman's name.

The Clerk called the name of Mr. COOPER of Texas, and he voted "no" as above recorded.

Mr. SIBLEY. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in his seat, listening, and failed to hear his name when it should have been called?

Mr. SIBLEY. I was listening and failed to hear it.

The Clerk called Mr. SIBLEY's name, and he voted "aye" as above recorded.

The following pairs were announced:

For the session:

Mr. WANGER and Mr. ADAMSON.
Mr. DAYTON with Mr. MEYER of Louisiana.
Mr. IRWIN with Mr. GOOCH.
Mr. YOUNG with Mr. BENTON.
Mr. BULL with Mr. CROWLEY.
Mr. WRIGHT with Mr. HALL.
Mr. HEATWOLE with Mr. TATE.
Mr. BOREING with Mr. TRIMBLE.
Mr. RUSSELL with Mr. MCCLELLAN.
Mr. MORRELL with Mr. GREEN of Pennsylvania.
Mr. DEEMER with Mr. MUTCHLER.
Mr. COOMBS with Mr. DAVEY of Louisiana.

Until further notice:

Mr. FOSTER of Vermont with Mr. POU.
Mr. JACK with Mr. FINLEY.
Mr. MILLER with Mr. LEVER.
Mr. SKILES with Mr. TALBERT.
Mr. WARNER with Mr. CALDWELL.
Mr. TIRRELL with Mr. CONRY.
Mr. FORDNEY with Mr. BURGESS.
Mr. MCCALL with Mr. ROBERTSON of Louisiana.
Mr. DAVIDSON with Mr. SPARKMAN.
Mr. GILL with Mr. SULZER.
Mr. MARSHALL with Mr. WILSON.
Mr. BROWNLOW with Mr. PIERCE.
Mr. BARNEY with Mr. MCRAE.
Mr. CONNELL with Mr. KLUTTZ.
Mr. HILDEBRANT with Mr. MAYNARD.
Mr. MANN with Mr. JETT.
Mr. BOUTELL with Mr. GRIGGS.
Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.
Mr. LOUDENSLAGER with Mr. DE GRAFFENREID.
Mr. LANDIS with Mr. CLARK.

For this day:

Mr. WATSON with Mr. WHITE.
Mr. THOMAS of Iowa with Mr. PATTERSON of Tennessee.
Mr. MAHON with Mr. NEWLANDS.
Mr. LOVERING with Mr. NEVILLE.
Mr. LITTLEFIELD with Mr. MAHONEY.
Mr. LITTAUER with Mr. MCLAIN.
Mr. HOWELL with Mr. LATIMER.
Mr. KNOX with Mr. MCDERMOTT.
Mr. HOLLIDAY with Mr. LAMB.
Mr. HAUGEN with Mr. KERN.
Mr. HANBURY with Mr. KEHOE.
Mr. GARDNER of New Jersey with Mr. GLENN.
Mr. GARDNER of Michigan with Mr. FLOOD.
Mr. DOUGLAS with Mr. ELLIOTT.
Mr. CUSHMAN with Mr. COONEY.
Mr. BATES with Mr. COCHRAN.
Mr. BALL of Delaware with Mr. BELL.
Mr. ALEXANDER with Mr. BANKHEAD.
Mr. OVERSTREET with Mr. RANSDELL.
Mr. POWERS of Massachusetts with Mr. ROBINSON of Nebraska.
Mr. PRINCE with Mr. SCARBOROUGH.
Mr. SHELDEN with Mr. SHAFROTH.
Mr. WM. ALDEN SMITH with Mr. SLAYDEN.
Mr. MERCER with Mr. HENRY of Texas.
Mr. ADAMS with Mr. GORDON.
Mr. MUDD with Mr. LASSITER.
Mr. ACHESON with Mr. BRUNDIDGE.
Mr. SOUTHWICK with Mr. BROUSSARD.
Mr. BINGHAM with Mr. CREAMER.
Mr. CORLISS with Mr. FEELY.
Mr. SMITH of Iowa with Mr. PADGETT.
Mr. SCHIRM with Mr. FOSTER of Illinois.
Mr. BABCOCK with Mr. MCANDREWS.

On this vote:

Mr. CREAMER with Mr. LINDSAY.
Mr. ROBERTS with Mr. BELMONT.
Mr. TAYLER of Ohio with Mr. BOWIE, until Wednesday.
Mr. GILLETT of Massachusetts with Mr. NAPHEN, until the 12th.
Mr. BUTLER of Pennsylvania with Mr. RHEA of Virginia, until Thursday.
Mr. WEEKS with Mr. SHEPPARD, for two weeks.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I desire unanimous consent to call up from the Speaker's table the naval appropriation bill.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. What is the object?

Mr. FOSS. My object is to ask unanimous consent that the House nonconcur in the Senate amendments and ask a conference.

The SPEAKER. The Chair hears no objection to taking up these amendments. The question now is on the request of the gentleman from Illinois, that the House nonconcur in the Senate amendments, and ask for a conference with the Senate. Is there objection?

There was no objection.

The SPEAKER announced the appointment of Mr. FOSS, Mr. DAYTON, and Mr. MEYER of Louisiana as conferees on the part of the House.

AMENDMENTS TO INDIAN APPROPRIATION ACT.

Mr. SHERMAN. Mr. Speaker, I move to suspend the rules and pass with an amendment Senate resolution No. 105.

The joint resolution (S. 105) supplementing and modifying certain provisions of the Indian appropriation act for the year ending June 30, 1903, was read as amended, as follows:

In addition to the allotments in severalty to the Uintah and White River Utes of the Uintah Indian Reservation in the State of Utah, the Secretary of the Interior shall, before any of said lands are opened to disposition under any public land law, select and set apart for the use in common of the Indians of that reservation such an amount of nonirrigable grazing lands therein at one or more places as will subserve the reasonable requirements of said Indians for the grazing of live stock.

All allotments hereafter made to Uncompahgre Indians of lands in said Uintah Indian Reservation shall be confined to agricultural land which can be irrigated, and shall be on the basis of 80 acres to each head of a family and 40 not allotted to Indians or used or reserved by the Government, or occupied for school purposes, shall be opened to exploration, location, occupation, and purchase under the mining laws.

In addition to the allotment in severalty of lands in the Walker River Indian Reservation in the State of Nevada, the Secretary of the Interior shall, before any of said lands are opened to disposition under any public-land law, select and set apart for the use in common of the Indians of that reservation such an amount of nonirrigable grazing lands therein at one or more places as will subserve the reasonable requirements of said Indians for the grazing of live stock.

In addition to the allotments in severalty to the Uintah and White River Utes of the Uintah Indian Reservation in the State of Utah, the Secretary of the Interior shall, before any of said lands are opened to disposition under any public-land law, select and set apart for the use in common of the Indians of that reservation such an amount of nonirrigable grazing lands therein at one or more places as will subserve the reasonable requirements of said Indians for the grazing of live stock.

All allotments hereafter made to Uncompahgre Indians of lands in said Uintah Indian Reservation shall be confined to agricultural land which can be irrigated, and shall be on the basis of 80 acres to each head of a family and 40 acres to each other Indian, and no more. The grazing land selected and set apart as aforesaid in the Uintah Indian Reservation for the use in common of the Indians of that reservation shall be equally open to the use of all Uncompahgre Indians receiving allotments in said reservation of the reduced area here named.

In so far as not otherwise specially provided, all allotments in severalty to Indians, outside of the Indian Territory and Oklahoma Territory, shall be made in conformity to the provisions of the act approved February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," and other general acts amendatory thereof or supplemental thereto, and shall be subject to all the restrictions and carry all the privileges incident to allotments made under said act and other general acts amendatory thereof or supplemental thereto.

The item of $70,064.48 appropriated by the act which is hereby supplemented and modified, to be paid to the Uintah and White River tribes of Ute Indians in satisfaction of certain claims named in said act shall be paid to the Indians entitled thereto without awaiting their action upon the proposed allotment in severalty of lands in that reservation and the restoration of the surplus lands to the public domain.

The SPEAKER. Is a second demanded on the motion to suspend the rules?

Mr. RICHARDSON of Tennessee. I demand a second.

Mr. SHERMAN. I ask unanimous consent that a second be considered as ordered.

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from New York [Mr. SHERMAN]——

Mr. RICHARDSON of Tennessee. I hope the gentleman will recognize the gentleman from Arkansas [Mr. LITTLE] to control the time in opposition to the motion.

The SPEAKER. The time will be controlled on the one side by the gentleman from New York [Mr. SHERMAN] and on the other by the gentleman from Arkansas [Mr. LITTLE].

Mr. SHERMAN. Mr. Speaker, this is the same resolution that I attempted a week or two ago to have passed by unanimous consent, and to the consideration of which objection was made. The resolution relates to provisions of the Indian appropriation act, which were inserted as amendments in the Senate after it had left this House. To those provisions the House conferees objected as a whole, and also objected to certain parts of them as they were finally agreed upon. But it became necessary for the House conferees to concede what the Senate conferees demanded

in order to reach an agreement, as it is frequently necessary for the conferees of the one House or the other to yield to those of the other.

After the conference report had been agreed to in both Houses and the bill had gone to the President, a conference, at which I was not present, was held between certain of the conferees and the President of the United States, at which the President raised certain objections to these amendments, and in order to meet the objections of the President this resolution was prepared. It was a concession by the Senate conferees and the Senate, a recession from the position they had taken when the amendments were originally passed and when the conference report was finally agreed to.

The resolution is so plain in its terms that I need not recite its provisions. What it amounts to is this: The Senate has receded from the position which it took originally and which its conferees thereafter took when the conferees met, and the Senate has agreed to this recession and now the House is asked to coincide.

Mr. RICHARDSON of Tennessee. What evidence have we that the Senate has agreed to recede?

Mr. SHERMAN. They have passed this resolution.

Mr. RICHARDSON of Tennessee. This is a Senate resolution?

Mr. SHERMAN. Certainly.

Mr. RICHARDSON of Tennessee. They have agreed, then, to recede from their amendments and passed this resolution?

Mr. SHERMAN. That is the position exactly.

Mr. RICHARDSON of Tennessee. As I understand the gentleman, the President, notwithstanding his objections to the Indian appropriation bill, approved it with these obnoxious provisions in it.

Mr. SHERMAN. Well, I think he approved it with the expectation, if not the understanding, that this resolution would be passed. It had passed the Senate when he signed the appropriation bill.

Mr. RICHARDSON of Tennessee. Was there any contract to that effect?

Mr. SHERMAN. Oh, certainly not. No individual could make a contract for the House. I say the bill was approved with that expectation. The Senate had passed this resolution; and when the President told me he would approve the Indian appropriation bill, I frankly told him that I believed the House would agree to the resolution. I did not undertake to make any such agreement on the part of the House by any manner of means; I simply stated my belief.

Mr. RICHARDSON of Tennessee. This is the third joint resolution, is it not, which has been passed to amend the Indian appropriation bill since it was passed?

Mr. SHERMAN. The second.

Mr. RICHARDSON of Tennessee. This is the third, if I mistake not.

Mr. SHERMAN. No; a resolution did come in here before, but it never passed; and it is embodied in this resolution. Resolution No. 2 is embodied in this. It never did pass the House.

Mr. RICHARDSON of Tennessee. But this is the third effort to amend that act?

Mr. SHERMAN. The gentleman is right. This is the third effort to change the bill as originally passed.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I would like to ask the gentleman if he can give us the assurance now that this is the final one?

Mr. SHERMAN. Mr. Speaker, I can give the gentleman my assurance that this is the last one I shall offer.

Mr. RICHARDSON of Tennessee. Then, as I understand it, this makes the bill satisfactory to the President.

Mr. SHERMAN. I understand so. Mr. Speaker, I reserve the balance of my time.

Mr. STEPHENS of Texas. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. SHERMAN. Yes.

Mr. STEPHENS of Texas. I will ask the gentleman if he will agree to an amendment in line 8, page 3, adding the word "Oklahoma"——

Mr. SHERMAN. That is included in the resolution as it has been read.

The SPEAKER. The gentleman from Arkansas [Mr. LITTLE] is recognized.

Mr. LITTLE. Mr. Speaker, the pending resolution within itself is unobjectionable as far as I am concerned, and has been explained by the gentleman from New York [Mr. SHERMAN] as I understand it. The original objection to the passage of this resolution, so far as it emanated from myself, was inspired by the hope that the President would see his way clear to veto the appropriation bill. I was encouraged in that hope by a statement that appeared in one of the city papers—whether authorized or not I do not know—that the President was objecting to the concessions made to the lessees on the Uintah Reservation. I believe that the President ought to have vetoed the original bill on that account. I hoped that that objection, added to the provisions covered by this resolution, would inspire him to do that, which I believed to be a very proper thing for him to do.

I believe the ratification of the leases and privileges given to the Florence Mining Company can not be justified on any ground. They have made no investitures; they simply get that which ought to belong to the public generally when this reservation is opened. For that reason, and having no further opportunity or hope of securing that result, I do not feel justified in going further in opposition to this particular resolution. I regret very much that the President in his wisdom did not see proper to put his pungent pen against that bill and expose what I believe to be the infamy wrapped up in the Florence Mining Company lease and the Raven Mining lease. These two companies get a vast concession. They are practically, as I believe, one company, as I have been led to believe since the passage of the original bill. The presidents are the same, the secretaries are the same, and I think the companies are the same; that is, the same in interest, if not the same in name. I believe it is a bad precedent, I believe it is unholy, I believe the requirement of these leases, as I indicated before in my remarks, can be tracked with infamy from their very beginning up to this very morning, and I do not believe that Congress ought to have approved the measure; and when it did approve the bill with these provisions in it, I believe the President ought to have vetoed it, and I regret he has not done so.

Mr. SUTHERLAND. Mr. Speaker, does not the gentleman know that if this reservation had been thrown open, without any provision giving the Florence Mining Company any preferential rights, the Florence Mining Company being acquainted with the reservation property, knowing exactly what they wanted, having the same right to go into the reservation and make locations as any other citizen, which locations would be unlimited in number, whatever is granted to it under this bill is nothing more than a formal concession? In other words, that the Florence Mining Company or their agents, knowing exactly what they wanted to locate, would be naturally put in a better situation to take advantage of the provisions of this bill with respect to locating mining claims than anybody else and would get these 640 acres anyhow. In view of that, I want to ask the gentleman whether he thinks the President of the United States or this House ought to stand in the way of opening a great reservation like that to settlement rather than to give this company what is a mere formal concession to go there and locate 640 acres of land, which they probably would locate anyhow?

Mr. LITTLE. I will be pleased to answer the gentleman. I will say that the very suggestion he makes is one of the strongest possible arguments against the policy of giving permits to prospect and locate leases on Indian reservations.

Mr. SUTHERLAND. I agree with the gentleman. The leasing system is absolutely indefensible.

Mr. LITTLE. I know that the gentleman agrees with me. I know that the gentleman agrees with me that this is as dirty as it can be, if he would but acknowledge it. You want the reservation open. I think it ought to be opened, and in these leases, as written, the very provision reserving to Congress the right to negotiate with these Indians upon the reservation, instead of giving these direct concessions by this law—I admit they are in possession of information they could use when the reservation is opened. Other people may be in possession of that information, but I would not give them this absolute right for more than a year to go in there and locate their claims in advance. If they have the information, which they have gotten, as I believe, infamously, in a large measure, they would have to use that information when that reservation was opened according to the forms of law, and I would not give them an additional year until October, 1903, to go on and further prospect that reservation and increase the advantages that they have over other people.

But that question is behind us, and knowing my friend as I do I verily believe he agrees with me generally that these leases are unfortunate—that it would have been better for the reservation and better for the country if they had never been made—and it would be better for Congress if they had never been approved; but believing as he does, and as many do, that it would be impossible to secure the opening of this reservation and the consent of these Indians in any other way except by ratifying these agreements, I can see why he is willing to take the dose whether it tastes very well or not. That is the situation. These companies hold up the Government, that is what they do. We understand that it is impossible to secure the consent of these Indians under the influence of these lessees in any other way except to recognize their right. I would not do that.

I now yield five minutes to my friend from Texas [Mr. STEPHENS].

Mr. STEPHENS of Texas. Mr. Speaker, in addition to what the gentleman from Arkansas [Mr. LITTLE] has said, I wish to say that I am further opposed to this bill because it will permit

the grazing lands in these reservations to be leased to cattle men or to anyone else who will lease them. We had a sample of that kind of work by the Secretary of the Interior in Oklahoma. The act of June 6, 1900, opening part of that Territory, excepted and reserved 480,000 acres of land for grazing purposes for the Indians, to be used by the Indians for grazing purposes.

Mr. SUTHERLAND. Do I understand the gentleman to say that this resolution permits the leasing of lands?

Mr. STEPHENS of Texas. It will permit that to be done by the Secretary of the Interior. He can usurp that power as he did in Oklahoma. It is the same language as we find in the bill of June 6, 1900, and the Secretary of the Interior will find the same authority, and we will find that these reservations set apart by this resolution to these Indians for grazing purposes will be leased by the same Secretary of the Interior to cattle men within sixty or ninety days, as they did in Oklahoma.

Mr. SUTHERLAND. But I call the attention of the gentleman to the language of the resolution, that the Secretary of the Interior shall—

Select and set apart for the use in common of the Indians—

Mr. STEPHENS of Texas. That is the exact language which you will find in the Oklahoma bill, and the Secretary can lease these Indian lands in the same way that he did those lands, and he will lease them to white men for grazing purposes, and to parties who should not have them, just as he did in the Oklahoma case.

Mr. SUTHERLAND. But it proceeds further—

for the use in common of Indians of that reservation, such an amount of nonirrigable grazing lands therein, at one or more places, as will serve the requirements of said Indians for the grazing of live stock.

That means the grazing of their own live stock.

Mr. STEPHENS of Texas. If the gentleman will turn to the Oklahoma bill—the law of June 6, 1900—he will find the exact language copied into this bill. The Secretary of the Interior construed that law to mean that he had the right to set apart agricultural lands for grazing purposes and to lease them for grazing to two or three white men, which he did. He located this reservation on Red River, on the very best agricultural lands in that Oklahoma Indian reservation, fronting that river for 30 miles, and then he leased it to two millionaire cattlemen, who have it in their possession to this day.

He did that over the written protest of the entire Texas delegation in Congress and also in the Senate, and Senator Chilton and I presented the protest to him with our objections, calling his attention to the same language that is in this bill here; but that did not deter him and did not stay his hand, and to-day that magnificent territory of 400,000 acres of agricultural land is in the possession of a few millionaire cattlemen in Oklahoma.

I warn the gentlemen from Utah and Washington now that if this resolution passes they will meet with a like fate in the reservations of their own States. There is no restriction upon the amount of land that can be set apart as grazing lands by this resolution. In the case of Oklahoma the bill provided that but 480,000 acres should be set apart for grazing purposes. In this bill the amount is unlimited.

If the Secretary of the Interior sees fit to do so, he can set apart every acre of these reservations for grazing purposes; but, mind you, the Indians will not get the grazing lands. It will be the white men who want and will lease those lands, as has been the case, as I have stated heretofore, in Oklahoma.

Mr. SUTHERLAND. In the Oklahoma case there was no provision that the Secretary of the Interior should set aside nonirrigable lands.

Mr. STEPHENS of Texas. That said "pasture lands."

Mr. SUTHERLAND. But in this bill it says "nonirrigable lands," which means mountain lands which can not be used for agricultural purposes.

Mr. STEPHENS of Texas. The Oklahoma bill used the term "pasture lands," and this says "nonirrigable lands." Now, as we understood that bill of June 6, 1900, at the time it was passed, and as the members of Congress who protested against setting apart the agricultural land on Red River as pasture lands understood it, we did not suppose it would permit the Secretary of the Interior to set apart the best farming lands in the country; but before we left Washington, before the adjournment of Congress in 1901, we ascertained that he intended to set apart agricultural lands and leave the grazing lands to be opened for settlement, and we framed a protest against the setting it apart on Red River adjoining Texas. But he overruled that protest and leased these cattlemen this agricultural land exactly where they wanted it, at their own instance, and I believe at their request. They took possession of it and have had it from that day until this.

Not only that, but 40,000 acres of good farming land were set apart by him near and adjoining the town of Duncan, a town of 2,000 inhabitants, and begining not more than a mile west from that town. It was ascertained by the merchants of that town that certain cattlemen had combined together for the purpose of getting that 40,000 acres. These merchants raised a common fund and presented a bid themselves. They bid more than the cattlemen for the land. They have now leased it out to farmers for farming purposes. These lands were agricultural lands and the very best land in that part of the reservation.

These farmers now have it, and the citizens of that town, the merchants and business men of the town of Duncan, were forced to lease these lands to prevent having a cow pasture in front of the town. Here is a bill with the same provision as that bill, that will permit the Secretary of the Interior, under the guise of turning the land over to the Indians for grazing purposes, to lease every inch of these Utah and Washington Indian reservations to cattlemen or sheepmen for grazing purposes. I warn the gentlemen from Utah and from Washington that the same may be their fate.

The SPEAKER. The question is on suspending the rules and agreeing to the resolution with the amendment incorporated therein.

The question was taken, and (in the opinion of the Chair, two-thirds having voted in favor thereof) the rules were suspended, and the resolution was passed.

PENSION OF REMARRIED WIDOWS.

Mr. MIERS of Indiana. Mr. Speaker, by direction of the Committee on Invalid Pensions, I ask to take up the bill 12141, to suspend the rules and pass the bill.

The SPEAKER. The gentleman from Indiana, by direction of the Committee on Invalid Pensions, moves to suspend the rules and pass the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 12141) to amend an act entitled "An act amending section 4708 of the Revised Statutes of the United States, in relation to pensions to remarried widows," approved March 3, 1901.

Be it enacted, etc., That section 4708 of the laws of the United States governing the granting of Army and Navy pensions, be, and the same is, amended to read as follows:

"SEC. 4708. The remarriage of any widow, dependent mother, or dependent sister entitled to pension shall not bar her right to such pension to the date of her remarriage, whether an application therefor was filed before or after such marriage; but on the remarriage of any widow, dependent mother, or dependent sister having a pension such pension shall cease: *Provided, however*, That any widow who was the lawful wife of any officer or enlisted man or other person in the Army, Navy, or Marine Corps of the United States, as described in paragraphs 1, 2, and 3 of section 4693 of the Revised Statutes of the United States, during the period of his service in any war, and whose name was placed or shall hereafter be placed on the pension roll because of her husband's death as the result of wound or injury received or disease contracted in such military or naval service, and whose name has been or shall hereafter be dropped from said pension roll by reason of her marriage to another person who has since died or shall hereafter die, or from whom she has been heretofore or shall be hereafter divorced, upon her own application and without fault on her part, and if she is without means of support other than her daily labor, as defined by the acts of June 27, 1890, and May 9, 1900, shall be entitled to have her name again placed on the pension roll at the rate now provided for widows by the acts of July 14, 1862, March 3, 1873, and March 19, 1886, such pension to commence from the date of the filing of her application in the Pension Bureau after the approval of this act: *And provided further*, That where such widow is already in receipt of a pension from the United States she shall not be entitled to restoration under this act: *And provided further*, That where the pension of said widow on her second or subsequent marriage has accrued to a helpless or idiotic child, or a child or children under the age of 16 years, she shall not be entitled to restoration under this act unless said helpless or idiotic child, or child or children under 16 years of age, be then a member or members of her family and cared for by her, and upon the restoration of said widow the payment of pension to said child or children shall cease."

SEC. 2. That the provisions of this act shall be extended to those widows otherwise entitled whose husbands died of wounds, injuries, or disease contracted during the period of their military and naval service, but who were deprived of pension under the act of March 3, 1865, because of their failure to draw any pension by reason of their remarriage.

SEC. 3. That no claim agent or other person shall be entitled to receive any compensation for services in making application for pension under this act.

The SPEAKER. The question is on suspending the rules.

Mr. GAINES of Tennessee. I would like to ask the gentleman what is the object of the bill. It is a very long bill. I demand a second.

Mr. MIERS of Indiana. The act of March 3, 1901——

Mr. GAINES of Tennessee. I demand a second.

The SPEAKER. The gentleman from Tennessee demands a second.

Mr. MIERS of Indiana. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Indiana asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none.

Mr. MIERS of Indiana. Mr. Speaker, the act of March 3, 1901, attempted to place all remarried widows of soldiers who had drawn pensions who were the wives of soldiers during the soldiers' service when they became widows again upon the pension roll. It was found in the execution of the law there were two classes excluded that were meant to be included when the act was passed. The two classes are, first, if during the period of second widowhood there were minor children who drew a pension of $2 a month

during their minority, they are excluded from this act, although they are widows and dependent. The purpose of this act is to amend the act of 1901, so that the widow who was the wife of the soldier during his service, notwithstanding the minor children may have drawn a pension for a time. may, if she is now in necessitous circumstances, be placed on the pension roll the same as other widows. The purpose of this law is not to grant any new right. It only allows all widows who were the war wives, if again widows, to be relieved notwithstanding remarriage.

Mr. GAINES of Tennessee. Now, what provision is there in this bill which says that she must be in dependent circumstances?

Mr. MIERS of Indiana. The only amendment we propose is that any widow who was the living wife of any officer or enlisted man in the Army, Navy, or Marine Corps, etc., in the United States. Now we add officer, enlisted man, or other person in the Army, Navy, etc. It simply brings in the widow, notwithstanding the children may have drawn pensions.

Mr. GAINES of Tennessee. Will my friend please read that part of the bill—I have not one, and no one about me seems to have a copy—which says that the widow on the second occasion must be in necessitous circumstances to be eligible to this pension?

Mr. MIERS of Indiana. If I had the act of March 3, 1901, I could do so.

Mr. GAINES of Tennessee. She may marry a millionaire, and because she becomes a widow a second time she is eligible to pension.

Mr. MIERS of Indiana. This is simply the general law. Besides, the act of March 3, 1901, was passed on the theory that a woman who stayed at home and cared for the family, kept the children together, awaiting news from the battlefields of the South, was doing as great and patriotic an act as her husband who was the soldier, and has as good a standing for pension as the soldier himself.

Mr. GAINES of Tennessee. Suppose that she marries a second time, and she marries an absolutely rich man, and he dies and leaves her rich. Now, under this law what is to prevent her from obtaining a pension the same as if she were dependent?

Mr. MIERS of Indiana. Under the general law she is precluded, and I think by the terms of this bill—I will read the bill a little later as to that provision—but so far as I am concerned, I would not care if the woman who stayed at home and endured the hardships while her husband was in the service; I would not care if she was as rich as Crœsus, I would give her the pension. The law does not consider the financial condition of a soldier under the general law, and I think should not in the case of the war wife. She should have a standing of her own.

Mr. GAINES of Tennessee. I do not think the Government owes her a cent or ought to pay her a cent.

Mr. GROSVENOR. I think no such condition as the gentleman from Tennessee suggests can arise. In the first place, if she was pensioned originally because of the death of her husband, caused by his service, the pension would only be the small pension of a widow under those circumstances. If she is pensioned as a dependent in the first instance, it would be only $100 a year, as I understand the law. It only reinstates her for the small amount, in any event, and as for the large amount, if she has an income beyond $250 a year, she could not be pensioned under this law.

Mr. GAINES of Tennessee. The gentleman from Ohio says she is "pensioned in any event." I hope the gentleman does not mean to state exactly that.

Mr. GROSVENOR. I did not say she was pensioned in any event. I said in any event she would only be pensioned for the amount she was pensioned in the former adjudication, and if she had an income of more than $250 a year this law would not reinstate her at any sum.

Mr. GAINES of Tennessee. One more question—and the gentleman from Indiana knows that I am sincere in my questions——

Mr. MIERS of Indiana. Certainly.

Mr. GAINES of Tennessee. Is there anything in the existing law or the proposed law preventing the widow of a soldier, who is a second time a widow, although she may be independent, although she may be rich upon the death of her second husband, is there anything here to prevent her from receiving a pension under this bill or in the existing law, as much so as a widow who is absolutely penniless?

Mr. MIERS of Indiana. Simply the provision of the general law, unless I find the provision in the present bill. This law provides as a cure for that provision that if the widow remarries she shall be dropped from the pension roll. The act of 1901 provides that if she again becomes a widow by the death of her husband, or if she is divorced without any fault on her part, she may be placed on the pension roll as she was before. That is the general law. It simply replaces her as she was before.

Mr. GAINES of Tennessee. Under existing law, suppose the widow of a soldier is absolutely independent, is she pensionable?

Mr. MIERS of Indiana. If her husband died of disease or wounds which occurred in the service, from injuries received in the service, she would be pensionable at the rate of $12 a month if he was a private, $14 if he was a lieutenant, and $17 if a captain, etc.

Mr. GAINES of Tennessee. Suppose she married a millionaire?

Mr. MIERS of Indiana. If her husband died of disease incurred or injury received in the line of service, she would be pensionable.

Mr. GAINES of Tennessee. If he died and left her a millionaire, she is pensionable?

Mr. MIERS of Indiana. Yes; and so is any widow if her husband died of disease incurred or injury received.

Mr. GAINES of Tennessee. And this law continues that law?

Mr. MIERS of Indiana. Provided she becomes a widow and was his wife during the time of his service, yes, sir; and should do it.

Mr. LACEY. Mr. Speaker, I would like to ask the gentleman a question.

Mr. MIERS of Indiana. I will yield to the gentleman.

Mr. LACEY. Does this proposed amendment cover this case: Where a widow otherwise eligible has never been put on the pension roll by reason of failure to furnish the testimony, and after remarriage her second husband died, can she now be restored or placed on the pension roll, where she never was?

Mr. MIERS of Indiana. Not under the act of March 3, 1901, but this bill is for that purpose.

Mr. GROSVENOR. That legislation is now complete.

Mr. LACEY. Well, now, as to the minor and helpless child who has never been placed on the roll—does the bill cover that class?

Mr. MIERS of Indiana. No.

The SPEAKER. The Chair would like to call the attention of the gentleman from Indiana to the fact that when the Chair asked him if there was any amendment to the bill the gentleman said no. The Chair finds on page 3, section 2, line 14, a committee amendment, and the Chair thinks that possibly the gentleman overlooked it.

Mr. MIERS of Indiana. Mr. Speaker, the Chair is right; I did overlook it for the moment.

The SPEAKER. If there is no objection, this will be included in the gentleman's motion.

There was no objection.

Mr. LOUD. Mr. Speaker, I would like to ask the gentleman one question.

Mr. MIERS of Indiana. I will yield to the gentleman.

Mr. LOUD. At the top of page 2 you have provided that any widow who was the lawful wife of any officer or enlisted man or "other person" in the Army. Why do you put in the words "other person?"

Mr. MIERS of Indiana. Let me read a little from the report:

Upon the adjudication of claims arising under this law of March 3, 1901, it was found that the words "of any officer or enlisted man in the Army, Navy, or Marine Corps of the United States" excluded from the benefits of that act a very worthy class of widows, namely, the widows of those mentioned in paragraphs 2 and 3 of section 4693, Revised Statutes, which paragraphs read as follows:

"SEC. 4693. The persons entitled as beneficiaries under section 4692 are as follows:

* * * * * * *

"Second. Any master serving on a gunboat, or any pilot, engineer, sailor, or other person not regularly mustered, serving upon any gunboat or war vessel of the United States, disabled by any wound or injury received, or otherwise incapacitated, while in the line of duty, for procuring his subsistence by manual labor.

"Third. Any person not an enlisted soldier in the Army, serving for the time being as a member of the militia of any State, under orders of an officer of the United States, or who volunteered for the time being to serve with any regularly organized military or naval force of the United States, or who otherwise volunteered and rendered service in any engagement with rebels or Indians, disabled in consequence of wounds or injury received in the line of duty in such temporary service. But no claim of a State militiaman, or nonenlisted person, on account of disability from wounds or injury received in battle with rebels or Indians, while temporarily rendering service, shall be valid unless prosecuted to a successful issue prior to the 4th day of July, 1874."

The result of the omission, therefore, was that the widow of a State militiaman, nonenlisted person, master of a gunboat, or pilot, etc., who was the wife of such person during the war of the rebellion and who died of wounds or injuries received while serving with any regularly organized military or naval force of the United States, and who was pensioned up to the date of her remarriage, had no title to restoration to the roll under the act of March 3, 1901, for the reason that the act as passed included only the widows of officers and men of the military or naval establishment of the United States, as mentioned in paragraph 1 of section 4693.

To rectify this omission the bill proposes to amend said act of March 3, 1901, by inserting on page 4 of said bill, in line 13, the words "or other person," and on page 2, in line 1, the words "as described in," and by inserting on same page, lines 2 and 3, the words "paragraphs 1, 2, and 3 of section 4693 of the Revised Statutes of the United States."

Another class of widows was deprived from the benefits of the act of March 3, 1901, namely, those who remarried and had never been on the pension roll by reason of the provisions of the act of March 3, 1865.

The organic act of July 14, 1862, gives to the widow of a soldier a clear title to pension from the date of the death of her husband to the date of her remarriage, but the act of March 3, 1865, provided that in the case of the remarriage of a widow without any payment of pension to her to which she might

have been entitled, pension for the minor child or children shall begin from the date of the death of the soldier.

This act of March 3, 1865, applied no matter whether the widow had or had not a claim pending at the time of her remarriage.

In order to provide for this class of widows, a new section has been added to the act of March 3, 1901, as provided for on page 3, from lines 9 to 15, which reads as follows:

"SEC. 2. That the provisions of this act shall be extended to those widows otherwise entitled whose husbands died of disease contracted during the period of their military and naval service, but who were deprived of pension under the act of March 3, 1865, because of their failure to draw any pension by reason of their remarriage."

Relief will thus be afforded after adding the words "wounds, injuries, or" after the word "of," on page 3, in line 10, to these widows, and they will be placed upon the same basis as other widows under the act of July 4, 1862; the act of March 31, 1865, which deprived them of pension, having been repealed by the act of July 27, 1868.

Notwithstanding this repeal of the act of March 3, 1865, these widows can not now apply for pension from the date of death of their husbands to the date of their remarriage, for the reason that a pensionable period does not exist, pension having been paid to the minor child or children from the soldier's death.

Up to June 30, 1901, but 3,258 applications had beed filed under the act of March 3, 1901, and of this number quite a large percentage was rejected owing to the omissions in said act which this bill proposes to correct.

The bill is reported back with the recommendation that it pass after the same shall have been amended as follows:

On page 3, in line 10, after the word "of," insert the words "wounds, injuries, or."

Now, under the act of March 3, 1901, the widow of any person serving on a gunboat as pilot, engineer, etc., was not included in that language, so the Commissioner of Pensions held. The purpose here is to include that class of widows on the same footing, because of the fact that their husbands received their injuries or died by reason of wounds in the line of service. We thought such a widow just as meritorious as other widows who had been included. Such widows are recognized under other sections of the law, and we thought that the war widow—the wife of the soldier while he was in the service—ought to be included as well as the others. That is the purpose of this bill.

Mr. LOUD. Does the gentleman contend that this bill applies only to the widows of those killed in the service?

Mr. MIERS of Indiana. Unless they were mustered. There is a class of widows under the general law who have not remarried receiving pensions, although their husbands were not actually mustered, by reason of section 4693 of the Revised Statutes, as set out in the report, who are entitled to and do draw pensions. This bill will apply to them, and the original act of March 3, 1901, meant to include them. But when we come to apply that law we find by the language used in the act of 1901 she is excluded, and we seek to put her on the same footing with the other widows who were wives at the time the service of the soldier was rendered.

Mr. LOUD. I will ask my question again, as the gentleman did not understand it. He assumes that this act applies only to the widows of those killed in battle.

Mr. MIERS of Indiana. I do not assume that; but under the present law, where there was no actual muster, it made no difference whether the husband was killed in the line of battle or while in action on a gunboat or in service as a pilot, engineer, etc., the widow draws a pension. We are now seeking to amend the existing law so that if the husband was in the line of service, although not actually mustered in, and was killed, the widow shall be placed upon the same footing as all other widows under the general law, and shall be restored to the pension roll. That is all that this bill does.

Mr. LOUD. If I understand the gentleman's answer, then, in order to take in a few the committee has brought in a bill here broad enough to take in everybody.

Mr. MIERS of Indiana. The law of March 3, 1901, undertook to take in all the widows who had been wives during the service of their husbands.

Mr. LOUD. Widows of officers and enlisted men.

Mr. MIERS of Indiana. Yes. But when the Commissioner came to apply the act of March 3, 1901, he holds that she is not included. Section 4693 we thought ought to apply to such as again become widows, in view of the fact that that section gives such widows before they are remarried a pensionable standing, and they being excluded unless this amendment be made, the law now excludes a widow who had been the wife during the service of her husband, although that husband was killed in battle. Under the existing law such a widow is not entitled to be placed back on the pension roll. We have undertaken to place back on the pension roll all women who were the wives of soldiers during their service.

Mr. LOUD. Not only soldiers, but teamsters, carpenters, etc.

Mr. MIERS of Indiana. No, sir.

Mr. LOUD. I am willing to contest that point with the gentleman.

Mr. MIERS of Indiana. Section 4693 does not put the widows of teamsters on the pension roll. It does not place anyone on the pension roll except those mentioned in the section, and that section is quoted in the report, and the committee desires that the war wives shall be entitled to the benefits of section 4693.

Mr. LOUD. But the language is qualified in the report, and it is not qualified in the bill. It is the bill that is to become a law, not the report.

Mr. MIERS of Indiana. We do make the qualification in the bill.

Mr. LOUD. Where is it? I would like to find it. I would like the gentleman to explain to the House who may be included by the language "any other person?"

Mr. MIERS of Indiana. I ask the gentleman to read section 4708, as recited in the bill.

The remarriage of any widow, dependent mother, or dependent sister entitled to pension shall not bar her right to such pension to the date of her remarriage, whether an application therefor was filed before or after such marriage; but on the remarriage of any widow, dependent mother, or dependent sister having a pension such pension shall cease.

That is the law.

Mr. LOUD. Now read the proviso.

Mr. MIERS of Indiana (reading):

Provided, however, That any widow who was the lawful wife of any officer or enlisted man or other person in the Army, Navy, or Marine Corps of the United States, as described in paragraphs 1, 2, and 3 of section 4693 of the Revised Statutes of the United States, during the period of his service in any war, and whose name was placed or shall hereafter be placed on the pension roll because of her husband's death as the result of wound or injury received or disease contracted in such military or naval service and whose name has been or shall hereafter be dropped from said pension roll by reason of her marriage to another person who has since died or shall hereafter die, or from whom she has been heretofore or shall be hereafter divorced, upon her own application and without fault on her part, and if she is without means of support—

That answers the question of the gentleman from Tennessee [Mr. GAINES], which I was not able to answer at the moment—

other than her daily labor, as defined by the acts of June 27, 1890, and May 9, 1900.

So that this bill applies only to such as are dependent as defined by law.

Mr. GAINES of Tennessee. Where is that? From what part of the bill is the gentleman reading?

Mr. MIERS of Indiana. Page 2, line 14, and the following lines: 16, 17, and 18.

May 9, 1900, shall be entitled to have her name again placed on the pension roll at the rate now provided for widows by the acts of July 14, 1862, March 3, 1873, and March 19, 1886.

Mr. GAINES of Tennessee. What is the number of the bill the gentleman is reading?

Mr. MIERS of Indiana. No. 12141; the bill now being considered.

Mr. LOUD. Let me ask the gentleman to refer back to line 7, and define what the words "shall hereafter" mean where they occur in the line as "shall hereafter be placed on the pension roll?"

Mr. MIERS of Indiana. Now, to illustrate: A widow who remarried before she was placed on the pension roll is entitled to a pension during the period of her widowhood, if she was a war widow, and is placed on the pension roll during the period that she was entitled to, whether that was six months or six years. If she is now placed on the roll under that section, she will be entitled to her pension by reason of the fact that she was a widow during the service, if this bill passes.

Mr. LOUD. Well, I thought I understood the section.

Mr. MIERS of Indiana. In other words, as I said a moment ago, we intend to make it broad enough to put all the women who were wives during the service on the same plain as if they had not remarried, provided they are widows and dependent. Any other wife, the wife of a soldier who was not a wife during the war, if she remarries is out, but if she was the wife during the service and then remarries she is entitled to go back on the roll by reason of the terms of this bill. This bill has nothing covered in it, and but the one purpose, and, I submit, is most meritorious.

Mr. LOUD. Now, Mr. Speaker, it is very hard to understand a bill of this kind or a bill of any kind from a casual reading from the desk. Hence I have questioned the gentleman who has charge of this bill as closely as I could in order that I might understand what he understands this bill to mean. I can not place any other construction upon this bill, after hearing the gentleman explain it, line by line almost, than that this proviso here, as explained by him, in line 7, refers to any widow hereafter placed on the pension roll who is the widow of any other person, and I do not believe there is a person in the world who can take that section and place any other construction than that upon it.

Mr. RAY of New York. Mr. Speaker, will the gentleman permit me?

The SPEAKER. Does the gentleman yield?

Mr. LOUD. Yes.

Mr. RAY of New York. The gentleman is under a misapprehension.

Mr. LOUD. I hope so.

Mr. RAY of New York. If he will listen to me, I think I can make this matter to plain to him. Under the pension law as it

stands the widows of the enlisted officers and men of the Navy and privates of the Army may draw a pension under certain conditions, provided the husband was killed in the service or died of disease or disability contracted in the service. If they remarry they lose their pension or right to a pension, as the case may be. In addition to that the general law included and includes another class of widows, to wit, the widows of masters of gunboats, pilots, engineers, or sailors or other persons not regularly mustered—now mind, not mustered—serving upon any gunboat and disabled by wound or injury received or otherwise incapacitated while in the line of duty.

Now, the words "other persons" refer explicitly to those who were in the service, who were as a rule entitled to be but had not been regularly mustered, and they were incapacitated in the line of duty while acting as a soldier, doing the duty of a soldier, or a similar duty as mentioned. Now, when the Committee on Invalid Pensions in 1900, I think it was, reported their bill for the restoration to the pension roll of the widows who had remarried, they did include by the language of the bill the widows of those regularly enlisted and mustered, but by an inadvertence they left out certain remarried widows, those who were entitled to pensions by reason of being the widow of a man not regularly mustered but who was disabled or wounded while in the actual service of his country, viz, widows of masters of gunboats, pilots, engineers, etc., as described by me, and the reason for writing that in the law originally was that a great many soldiers and sailors went into the service and performed duties, but it so happened that they were not at a place where they could be mustered. Some of them were killed, some of them were wounded before they were mustered into the service, and it included another class of people, namely, the widows of masters, pilots, engineers, etc.; and an illustration of one class we had up at Gettysburg—I believe it not to be merely traditional—the case of a man like John Burns——

Mr. LOUD. Mr. Speaker, I am afraid my time is about run out.

Mr. RAY of New York. I beg the gentleman's pardon. Suppose the man shouldered his musket and went into battle, and suppose he was shot down while fighting for his country. His widow would be included under the general law. So if injured and he died as the result of his wounds——

Mr. LOUD. I do not care anything about that. The worthy cases ought to be taken in, but everybody should not be taken in.

Mr. RAY of New York. This bill will not take in everybody.

Mr. LOUD. I think it will.

Mr. RAY of New York. It will only take in the widows of those men who were wounded or disabled while actually fighting for their country or who received disabilities in service, and they are included because there were cases where they did the duty of a soldier before they were mustered in or were in discharge of duties not requiring a muster. I appeal to the gentleman from Indiana if I have not stated the case correctly.

Mr. MIERS of Indiana. Yes. Now, if the gentleman from California will allow me——

Mr. LOUD. I have only two or three minutes remaining.

Mr. MIERS of Indiana. This has been administered by the Commissioner of Pensions for two years. Neither he nor anyone else claims that it will take in everybody, but he simply claims that it excludes those who might be drawing pensions under the other section.

Mr. LOUD. Will the gentleman show me the present law that uses the words "any other person?" If he had shown me that a long time ago I would not have raised any objection. But no; the gentleman refers to the law which says:

Any master serving on a gunboat, or any pilot, engineer, sailor, or other person not regularly mustered—

That enumerates them.

Mr. RAY of New York. Read right on—

or any other person not regularly mustered, serving upon any gunboat or war vessel of the United States, disabled by any wound or injury received, or otherwise.

Mr. LOUD. That is your present law, yes; and you propose to go beyond that.

Mr. MIERS of Indiana. No; that does not apply to the widow of such a man, and we simply make it apply to her. If the law is to apply to any person who was not mustered, if the husband died in the line of service, what is the use of mentioning gunboats, pilots, or engineers, and so forth? Why not simply say the widow of any person who died in the line of service, and so forth?

Mr. LOUD. One of the first questions I asked the gentleman was if this applied to any other class of persons than those whose husbands died in the service, and the gentleman said "yes."

Mr. MIERS of Indiana. I said "no."

Mr. LOUD. That is where the gentleman misled me. He said "yes."

Mr. MIERS of Indiana. I said "no."

Mr. LOUD. I hope the gentleman will look at his remarks, because I was paying close attention, and that is the way I understood him.

Mr. MIERS of Indiana. I beg the gentleman's pardon; and if I said "yes," then I beg leave to revise my remarks.

Mr. LOUD. Because I am very free to say that I do not care how a person was killed, whether he was regularly mustered or not. Hence that was one of the first questions I asked, and the gentleman went on to say "yes."

Mr. MIERS of Indiana. I am very sorry if I misled the gentleman.

Mr. RAY of New York. Did you use the words "killed in the service?"

Mr. LOUD. Yes.

Mr. RAY of New York. That would be incorrect.

Mr. MIERS of Indiana. Yes.

Mr. LOUD. Or who died as the result of it.

Mr. RAY of New York. Either killed in the service or who lost his life because of disabilities contracted in the service, either disease or wounds.

Mr. LOUD. I did not ask the gentleman the whole question, but he understood the question evidently.

Mr. RAY of New York. I do not think he understood your meaning.

Mr. LOUD. If that was the intent of the law, that is what I wanted to find out. I will say that I have no objection to pensioning anybody who lost his life as the result of the service, whether regularly mustered in or not.

Mr. RAY of New York. I will pledge the gentleman my honor as a gentleman and a lawyer that this bill will not go further than the gentleman from Indiana [Mr. MIERS] has stated, and as I, too, have stated it. It is designed to restore those entitled but for a remarriage and limits the restoration to those whose income does not exceed $250 per year, as I read and understand it. It goes no further.

Mr. LOUD. Well, I hope not.

Mr. GAINES of Tennessee. Mr. Speaker, the gentleman from Indiana has stated, and the distinguished jurist and member from the State of New York [Mr. RAY] has just stated, that this bill could not possibly "go any further than it already goes." That is too true, Mr. Speaker. The gentleman from Indiana has stated that it takes in all the widows, whether they are millionaires or paupers.

Mr. MIERS of Indiana. Oh, no.

Mr. GAINES of Tennessee. That is the language of the gentleman. I will go by the Official Reporter's notes of the statement, and I think they will bear me out.

Mr. MIERS of Indiana. I said so far as I was concerned I would be willing that it should go that far, but this bill does not.

Mr. SMITH of Arizona. That is what the gentleman said—that he would be willing.

Mr. GAINES of Tennessee. The gentleman, then, would be willing to pension the widow of a soldier of the Army of the United States, even though she herself was a millionaire.

Mr. MIERS of Indiana. I would to the same extent that her husband if he had lived would be entitled to a pension. If a soldier received an injury, he is given a pension. Now, if his widow fought at the other end of the line, and took care of the family, and waited for the returns from the battle field, I would place her on the same footing, as far as I am concerned.

Mr. GAINES of Tennessee. Then, I am not surprised that the pension question is one that agitates the public mind of this whole country. Nobody objects—I am sure I do not, nor is there a man in this Honse or out of it who objects—to a dependent soldier or a dependent widow of an honorably discharged soldier drawing a pension—not one.

Mr. MIERS of Indiana. Will the gentleman allow me to interrupt him?

Mr. GAINES of Tennessee. No; I have not time to yield further. Here, Mr. Speaker, is the distinguished gentleman from Indiana saying that he is willing to increase the pension roll, notwithstanding the fact that there are thousands and thousands of persons who are justly entitled to pensions who are not pensioned at all. Why one man has been kicked out of the Pension Office because he tried to keep the pension list down and make it a roll of honor and keep it to just limits, and sent clear out of the country, and yet here is the distinguished gentleman from Indiana standing upon the Democratic side of the House saying that he is willing to agree to pension a widow who in her own right and title is a millionaire. At the same time we have widows above the Ohio and below it who have no pension at all, and who are knocking Friday after Friday and day after day and year after year to get their pensions given to them by Congress or to get an inadequate pension raised up to the standard it should be raised.

Mr. MIERS of Indiana. Will the gentleman permit a question?

Mr. GAINES of Tennessee. No; I decline to yield. I have not

time. Now then, Mr. Speaker, I appeared before this same committee from which this bill comes a few days ago, pursuant to a voluntary arrangement made with the gentleman from Ohio [Mr. BROMWELL], when we were to take up the question of increasing the limit, which is inadequate, of the Mexican pension law, but I got no hearing. The distinguished gentleman from Indiana said over two years ago, upon the floor of this House, that he was in favor of increasing the rates allowed to the old Mexican soldier. Yet the distinguished gentleman knows that only those who have been stricken from the roll have been restored, and the law stands unchanged by this Congress.

The Senate bill was sent here by the distinguished Senator from Arkansas [Mr. JONES], and it sleeps in the committee of which the distinguished son of Indiana is an honored member. Nothing has been done with that, nothing has been done with the bill I introduced along the same line, and I was not given even a chance to be heard.

Mr. MIERS of Indiana. Will the gentleman allow me to be heard there?

Mr. NORTON. That is not in our committee.

Mr. MIERS of Indiana. That is before the Committee on Pensions.

The SPEAKER. The gentleman from Indiana will wait until consent is given for him to interrupt the gentleman speaking.

Mr. GAINES of Tennessee. I yield to the gentleman.

Mr. MIERS of Indiana. Your bill is pending before the Committee on Pensions.

Mr. GAINES of Tennessee. Yes, Mr. Speaker, it is "pending." It is sleeping in its pendency. It is sound asleep, and I am trying to get my Democratic friends——

Mr. MIERS of Indiana. Mr. Speaker, the gentleman should distinguish between the Committee on Pensions and the Committee on Invalid Pensions. His bill is before another committee.

Mr. GAINES of Tennessee. Where is it sleeping?

Mr. MIERS of Indiana. Mr. LOUDENSLAGER is chairman of the Committee on Pensions. Why are you abusing my committee?

Mr. GAINES of Tennessee. If you are not guilty, I will take it all back. I am beating along the bushes pretty close. I went before the latter committee, and they were too busy pensioning other widows to pay attention to those who were penniless. I was denied a hearing for the poor penniless old Mexican soldier, tottering about the brink of the grave, possibly a pauper's grave, and yet they were and they are denied a hearing. The old Mexican soldier is denied a hearing in this great Congress, and yet the distinguished gentleman would pass a law pensioning millionaires. My friend, I believe, now corrects the statement and says that this bill does not so provide. If it did I should vote against it. But, Mr. Speaker, I say that it is time for Congress to call a halt upon the pensioning of those who are not disabled and dependent. Among our earliest pension laws provision was made not to pension those who simply were wounded, but those who were incapable of making a living, and now it has got to be that simply because a woman is a widow of a soldier of a war forty years ago, regardless of her temporal affairs, she is pensioned, and I take it the same thing would apply to the soldier himself.

Now, the law which my friend from Indiana and my friend from New York and other members of the House by their silence on this occasion advocate here is to provide a pension for those who, although being disabled or wounded, are absolutely able to live without it, while for those who were not only wounded and disabled by their wounds, but in old age are practically upon the paupers' list, nothing or insufficient amounts are provided.

In the name of economy, in the name of justice, in the name of the soldier himself, who would have the pension roll a roll of honor instead of being, as it is, one of suspicion, who would have economy administered and absolute justice, I do say that I do not believe from what has been said and what has been done that absolute justice is meted out to those who are pensioned nor to those who are denied an adequate pension of the Mexican soldiers.

The SPEAKER. The question is on suspending the rules and passing the bill with the amendments.

The question was taken, and (in the opinion of the Chair two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

PENSIONS OF MAIMED EX-SOLDIERS.

Mr. SULLOWAY. Mr. Speaker, by direction of the Committee on Invalid Pensions, I call up the bill (S. 4850) to increase the pensions of those who have lost limbs in the military or naval service of the United States, or are totally disabled in the same, and ask that the rules be suspended, the amendments proposed by the committee be adopted, and the bill passed.

The SPEAKER. The gentleman from New Hampshire, by direction of the Committee on Invalid Pensions, calls up the bill S. 4850, and moves that the rules be suspended, the adoption of the amendments reported by the committee, and the passage of the bill as recommended. The Chair will here state that it is not the duty of the Chair to ask if a second is demanded. It is the privilege of any member to demand a second.

The Clerk read the bill, as follows:

Be it enacted, etc., That from and after the passage of this act all persons on the pension roll, and all persons hereafter granted a pension, who, while in the military or naval service of the United States and in the line of duty, from wounds, injuries, or disease originating prior to August 4, 1886, shall have lost one hand or one foot, or been totally disabled in the same, shall receive a pension at the rate of $40 per month; that all persons who, in like manner, shall have lost an arm at or above the elbow or a leg at or above the knee, or been totally disabled in the same, shall receive a pension at the rate of $46 per month; that all persons who, in like manner, shall have lost an arm at the shoulder joint or a leg at the hip joint, or so near the shoulder or hip joint or where the same is in such a condition as to prevent the use of an artificial limb, shall receive a pension at the rate of $55 per month, and that all persons who, in like manner, shall have lost one hand and one foot, or been totally disabled in the same, shall receive a pension at the rate of $60 per month; and that all persons who, in like manner, shall have lost both feet shall receive a pension at the rate of $100 per month: *Provided, however*, That this act shall not be so construed as to reduce any pension under any act, public or private.

SEC. 2. That the pensions of all persons who served one year or more in the Army or Navy of the United States, and who, under the act approved June 27, 1890, and the acts amendatory thereof, are drawing or hereafter shall be entitled to draw a pension at the rate of $12 per month, and who are or shall become so disabled from injuries or disease as to require the frequent and periodical aid and attendance of another person, shall be increased to $30 per month from and after the date of the certificate of the examining surgeon or board of examining surgeons showing such degree of disability and made subsequent to the passage of this act.

Mr. LOUD. Mr. Speaker, I demand a second.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SULLOWAY. Mr. Speaker, this is what is known as the maimed soldiers' bill, with amendments proposed by the Committee on Invalid Pensions. There are four classes of pensioners the pensions of which it is proposed to increase. First, there is a provision to increase the pension of those who have lost one hand or one foot, or been totally disabled in the same, from $30 to $45 a month, or an increase of $180 a year. That was the Senate proposition. That would take an appropriation of $605,000, in round numbers. There are 3,363 of that class of pensioners. Your committee thought, while dealing fairly with that class, that an increase of $10 a month instead of $15 a month, which would increase the pension from $360 to $480 a year, would be about as near a level as we could carry it when compared with other pensioners. That would be $403,000, or $200,000 less than the Senate provided for.

The next is where the pensioner has lost an arm at or above the elbow, or a leg at or above the knee, or has been totally disabled in the same. The Senate bill provided an increase from $30 to $60 per month. There are 2,357 of that class on the roll. The Senate proposition would require an appropriation of $395,000. We thought an increase of $10 a month, or $120 a year, to that class of pensioners, making their pension $552 a year, would be as far as we ought to go, and the Committee on Invalid Pensions recommended an amendment to that effect.

The third proposition is to take those who have lost an arm at the shoulder joint, or a leg at the hip joint, or so near the shoulder or hip joint as to prevent the use of an artificial limb. The Senate proposition provided an increase of $180 a year. There are 1,724 of these pensioners on the roll, which would require an appropriation of $310,320. In that class we thought an addition of $10 a month, increasing the pension from $540 to $660, was as far as we were warranted in going, and we recommend an amendment of that character. That makes a reduction of something over $104,000 in annual appropriations on that class.

The fourth provision is to increase the pension of those who lost one hand and one foot or have been totally disabled in the same. There are only 17 of these now on the rolls, and the appropriation is very small. The difference in amount in what is asked for by the Senate bill and what is recommended by the Committee on Invalid Pensions is $416,530 in favor of the Government and against the pensioners.

Mr. LOUD. The gentleman means between the Senate bill and what is proposed by the amendments by the gentleman's committee?

Mr. SULLOWAY. Yes.

Mr. LOUD. The gentleman means down to section 2.

Mr. SULLOWAY. The aggregate of appropriation in the Senate bill would be $1,314,696.

Mr. LOUD. Per annum?

Mr. SULLOWAY. Yes; that would be the increase under the Senate provision. Ours is an increase of $898,176, making a difference of $416,520.

Mr. MANN. The gentleman, in making the estimate of the decrease, does not include section 2?

Mr. SULLOWAY. No; I am coming to that. There is one little feature of this bill that I did not mention. They who have lost both hands now receive $100 per month. There are seven or eight left who have lost both feet. Those are receiving $72 per month; and while the proposition was to increase all classes of the maimed soldiers, your committee thought and recommend that the pension for those who have lost both feet should be increased from $72 to $100 a month. That was a proposition not contained in the Senate bill.

Mr. LOUD. I would like to ask a question in regard to section 2.

Mr. SULLOWAY. I am coming to that.

Mr. LOUD. If it will not disturb the gentleman too much, I would like to ask the question now. I see that a man under the act of 1890 draws $12 a month, and if he is subsequently disabled, becomes permanently helpless, so that he requires the periodical attendance of some person, is entitled to $30 a month.

Mr. SULLOWAY. He might under certain conditions, but not quite so broadly as you state it.

Mr. LOUD. If disabled under the general law, so as to draw $12 a month, and subsequently, by disease contracted in the Army or by old age or otherwise, he requires nursing part of the time, he is not entitled to $30 a month. In other words, a man under the act of 1890 gets a better pension under certain circumstances than the veteran would get under the old law.

Mr. SULLOWAY. I do not agree to that by any manner of means.

Mr. LACEY. I am asking whether that would not be the effect?

Mr. SULLOWAY. I do not admit that it would be.

Now, I want to say that 25 per cent of all the bills reported by our committee during this Congress for those who were soldiers have been bills increasing to $24, $30, or more pensions of men who were blind or paralytics or total wrecks. I want to say that during the Fifty-sixth Congress and the Fifty-seventh, up to this day, there has never been a voice lifted in this Hall against a single one of those claims.

This section to which the gentleman from Iowa calls attention is not exactly the act of 1890. That required only ninety days' service. This section requires service of a year and requires also an adjudication by the Pension Bureau that the soldier is a total wreck. In these cases the soldier is receiving $12 a month; he is blind or disabled or in some way a total wreck. He comes here, or somebody for him, asking for a special act, and you grant it in every instance.

In my judgment the estimate here is an excessive one. I do not believe you can to-day look over your districts, gentlemen, and find in each district two men in the condition I have stated—blind and total wrecks—for whom you have not introduced bills and who have not been provided for by special acts. Yet this estimate is based upon the theory that there are 10 such men in each of your 300 districts. Adopting that estimate as correct for 300 districts, and taking into consideration our reduction upon the Senate proposition and taking into consideration also the fact that the pension asked is $30 a month, we would by this proposed amendment add only $231,000 to the bill as it came from the Senate.

I believe section 2 to be very meritorious. I believe it will relieve Congress of these special acts to a very large extent. The bill last up will relieve us of applications that have been coming to us in behalf of women who were the wives of soldiers during the war and who have since remarried and thereby lost their pensions. We shall no longer have to deal with cases of that kind. Now, if this section should become a law, we shall have relieved the class to which I have referred. I believe it is our patriotic duty to adopt this legislation. I believe this appropriation ought to be granted. I hope and trust there will not be a voice or vote on this floor against it.

The SPEAKER. Does the gentleman from New Hampshire [Mr. SULLOWAY] reserve the balance of his time?

Mr. SULLOWAY. Yes sir. How much time have I remaining?

The SPEAKER. Ten minutes.

Mr. LOUD. Mr. Chairman, before proceeding with my remarks, I will ask the gentleman from New Hampshire one question: Who gave him the estimate of the cost of section 2? I would like to know where that estimate came from.

Mr. SULLOWAY. I stated that we went on the assumption that there are 10 disabled old soldiers in each of the 300 Congressional districts.

Mr. LOUD. The Pension Department has made no estimate of that kind?

Mr. SULLOWAY. No sir.

Mr. LOUD. Mr. Speaker, the House of Representatives, I might say, is "up against it." Section 2 of this act is proposed to be enacted into law for the benefit of all men who served one year in the Army; and presumably it takes the place of the individual or personal measures which are brought up here on every other Friday. The gentleman from New Hampshire says that the House has passed time and again, without the protest of a single individual, cases of this character. That may be true as to all except myself; yet the gentleman knows that I have constantly protested and that I protest to-day.

Mr. SULLOWAY. I am very ready to admit that fact.

Mr. LOUD. I have stated, too, and the gentleman has heard me, that I do not believe any man has a claim upon the Government simply from the fact that he may have been a soldier. The denial of any such principle is with me fundamental. If a man has received an injury in the service of his country, then, as I have said many times before, I believe the whole country should be taxed to make reparation as far as possible for what he has suffered in defense of his country. The Senate bill, I will say, meets no objection at my hands. If a man has lost an arm or a leg or both arms or both legs, there is not money enough in the world to replace what has been taken away from him. But when you enter the field of pensioning at the rate of $30 a month every man who was in the service for one year, it is something that we do not owe and something that the good soldiers of this country do not ask.

The gentleman says this will cost about $230,000 a year. Sir, I make this assertion, that every man who was in the service for one year will be entitled to a pension of $30 a month for some period before he shall die.

Mr. SULLOWAY. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. LOUD. Certainly.

Mr. SULLOWAY. Why not every soldier now at $12 a month? The gentleman says every one of them will be pensioners at $30 a month. If that is possible, why not every one of them pensioners at $12 a month? That is the limit now.

Mr. LOUD. I do not know that I fully understand the gentleman.

Mr. SULLOWAY. The proposition of the gentleman is that every soldier at some time will reach the maximum of the amount of pension allowed.

Mr. LOUD. Thirty dollars.

Mr. SULLOWAY. Why not every soldier to-day at the maximum receiving $12 a month, if that is a fact? Is human nature going to change?

Mr. LOUD. Because they have not reached that period yet. They are getting there fast enough, if the gentleman will only wait. As a matter of fact, in the Pension Office, with those who ask for a pension, who are of a certain age, it is assumed that senility exists, and the man is pensioned, and substantially it is not erroneous. In fact, when a man has reached the age of 65 or 70 years the presumption is that he is entitled to $12 a month, and it is right, too, because he has passed that period when he is able to work. The gentleman of course has endeavored to put a stopper on here by the use of the words "frequent" and "periodical." Well, how long "frequent" is or how long "periodical" is I do not know. Some of them are quite long.

Mr. SULLOWAY. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. LOUD. I yield to the gentleman, certainly.

Mr. SULLOWAY. Those words are as old as pension legislation.

Mr. LOUD. Oh, I know that.

Mr. SULLOWAY. They are well understood.

Mr. LOUD. But they only have a construction in the minds of a jury, and they oftentimes differ about it. I have great sympathy for the gentlemen who are agonizing for the old soldier. If the old soldier did not have any votes, I am afraid we would not agonize for them quite so much. I can not tell how much this act will cost, but it may cost $20,000,000 a year.

Mr. BURLESON. It probably will.

Mr. LOUD. Now, I will say again, that any man who requires the attention of anybody, it may be once a month, it may be once in six months, or once in a year, under the terms of this law, will be entitled to a pension of $30 a month. The gentleman from New Hampshire [Mr. SULLOWAY] makes a note as though that were not true.

That is the way I construe the language "frequent and periodical." If the House wants to pass the legislation, that is for it to determine. It is a hard question on the eve of a campaign, too, because there is not any one of us who wants to lose the soldier vote, and it is unfortunate, to say the least, that the committee has, just preceding the election, brought in a bill which embarrasses, to say the least, some members of Congress. It does not embarrass me any; not a particle. I shall vote against it. I should have voted against the act of 1890, because it was wrong in principle, enunciating my principles as I have here, and as are well known, which I think is a well-grounded principle.

I say, where a man has lost anything in defense of his country, his country should reimburse him, but where a man has served in the Army—we will say, in the year 1847—and in 1902, by reason of age, by reason of natural infirmities, requires a little attention once in a while, then I say it is nonsense that the Government can seek to reimburse him for his one year's service by paying him $30 a month.

Of course that may be perhaps an extreme illustration, but what the theory is that prompts legislation of this kind I can not see, because it replaces nothing. It does not seek to replace anything, because a man's living forty years after the war is prima facie evidence that he has lost nothing in defense of the flag. Mr. Speaker, I reserve the balance of my time.

Mr. NORTON. Mr. Speaker——

The SPEAKER. From whom does the gentleman get his time?

Mr. NORTON. From the chairman of the committee.

The SPEAKER. How much time does the gentleman yield?

Mr. SULLOWAY. I can not yield much, but I would ask that everyone have leave to print on this measure for ten days.

The SPEAKER. There is no such order of the House to that effect.

Mr. SULLOWAY. I yield three minutes to the gentleman from Ohio.

Mr. NORTON. Mr. Speaker, I have listened to the gentleman from California. I was considerably surprised, and yet not so much so either, for on all occasions when he undertakes to disturb the serenity of this House or create suspicion he accuses his fellow-members of being afraid of the vote of their constituents. There is something behind this measure, and there is something in the patriotism of the American people that does not care for such threats as those offered by the gentleman from California [Mr. LOUD]. This bill is just, is honest, and ought to be passed. The maimed soldier is the man who has suffered every hour of his life from the very moment of his wound.

I say here and now that the physicians and surgeons of the country will bear me out in the statement that any man who has lost an arm or leg enjoys no peace and sees no hour of rest. This bill is not to take $20,000,000 out of the Treasury; the statement is untrue. The estimates are fair and honest and honorable, and to insinuate that members upon this floor are voting for this measure to secure votes is an insinuation against the patriotism, the honesty, and the purposes of American citizens. [Applause.] I hurl back the insinuation, and I state to the gentleman, soldier as he was, that he must have been heartless upon the field, as he is heartless upon the floor, to charge that the soldier comes here begging you for favors. He comes here demanding only what is right, and this committee have been honest and fearless in their efforts to do the right thing. This bill will relieve Congress; yes, and it will not only relieve them, but it will relieve the old soldier who has been waiting month after month and year after year and going to his grave without a settlement of his case and waiting for the action of Congress.

Mr. Speaker, I wish I had time to exploit the provisions of this bill. I look upon it as just and honest. A moment ago the gentleman from Tennessee [Mr. GAINES], who has been recuperating his energies in the South, who has come back here to speak upon a measure of which he knows nothing, betrayed his ignorance by charging the Committee on Invalid Pensions with smothering bills. He said, too, that another measure which was reported by this same committee provided for the pensioning of millionaires. That is not so. It provided for the pensioning of widows having incomes of only $250 a year. I trust that no other man upon this floor will dare to open his mouth against this measure or to utter an insinuation that a member of Congress upon this floor has fallen so low as to vote away the public money for the benefit of undeserving men in order to secure votes. [Applause.]

Mr. SULLOWAY. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, I presume that if this bill covered no other cases except those of men who have lost arms or legs or feet or hands, then there would not have been a single voice raised in opposition to it. I understood the gentleman from California [Mr. LOUD] to say that he would support any measure within reasonable bounds to compensate the man who had lost his leg or his arm.

Mr. LOUD. That is right.

Mr. GROSVENOR. My colleague from Ohio [Mr. NORTON] has well said what we all know, that these men not only suffer every hour of their lives, but that that suffering grows in intensity as age creeps on. If you take off from the human frame an arm, however well it may have healed up, the agony is there, the memory is there, the suffering is there, and as age comes on I think the increase here provided is small enongh.

But the gentleman opposes another proposition, and wishes to know what there is behind it that justifies the increase up to $30 a month for men now drawing a maximum of $12 under the law of 1890. The provision of the bill is well drawn. It is not subject to the criticisms that my friend from California [Mr. LOUD] has made. It provides only for "frequent and periodical conditions" that require an attendant. To take a soldier who fought for his country, and dress him and undress him and feed him and move him about, does not need any interpretation, it seems to me. If the disability had been incurred in line of duty, he would be entitled under the law, as it exists to-day, to $72 a month; although I agree with the gentleman that there is a difference in the phraseology of the law, and it doubtless will have a different interpretation at the hands of the administering power of the Government.

Mr. SULLOWAY. There are 107,000 of these cases.

Mr. GROSVENOR. I am told by the chairman of the committee that there are 107,000 of these men.

Mr. SULLOWAY. That were pensioned under the act of 1890.

Mr. GROSVENOR. Drawing now only $12 a month. Now the gentleman wants to know what is back of this. I will put it in a very few words, for I have not the eloquence, when it comes to talking about soldiers, that some gentlemen have, but I will tell you what I think is the underlying proposition. If any man with an honorable discharge, who bore the flag of his country to victory and brought it home in honor, is in such a condition that because of any event in his life he may become a charge upon charity or an inmate of the poorhouse, I believe the American people will justify an appropriation of money out of the public Treasury to insure that man, in all these periodical attacks of whatever the disease may be, that he shall not be consigned to poverty and starvation. [Applause.]

I believe that there is patriotism enough on both sides of the House to say that they resent it as a stigma and disgrace that a man who bore arms on either side of the great conflict, or any man who has been honorably discharged, shall go to the poor house. Thank God the States of this Union have done their duty on this subject, and now comes the committee with an intelligent report to the House of Representatives, and they have asked the House of Representatives to respond to the great heart, soul, and patriotism of the American people. I do not believe there will be any votes against this bill. [Applause.]

The SPEAKER. The gentleman from New Hampshire has two minutes remaining.

Mr. SULLOWAY. Question.

Mr. LOUD. I yield five minutes to the gentleman from Tennessee.

Mr. SIMS. Mr. Speaker, my objection to this bill chiefly lies to section 2—the one that increases pensions from $12 a month under the act of 1890 to $30 a month simply upon the certificate of the board of surgeons that the pensioner requires frequent and periodical attendance of another person. I want to ask the gentleman in charge of the bill, or some one else who can answer, whether this refers to the local board or the board of surgeons here in the Department?

Mr. CALDERHEAD. I think if the gentleman will read the bill he will find that it can only refer to the local board.

Mr. SIMS. I so understood it. Now, I want to say this: It has often come under my observation when persons apply for a pension or an increase and were ordered for examination before a local board it has said, "You are entitled to $24, $30, or $36 a month," and when this pension application comes before the Pension Bureau they give a pension of $8, $10, and $12, and then the applicant claims he has not been given what the local board recommended and wants increase by private act.

The local boards in my country are very sympathetic, and make the most liberal statements in reference to the trouble, disease, wound, or whatever the disabilities of applicants are. I want to say, so far as my own country is concerned, I think it would be a very easy matter to convince these local boards that it takes frequent and periodical attendance when it tends to increase the pension from $12 to $30 a month. I think this section ought to go out of the bill or the bill ought to be defeated. Having heard the two distinguished gentlemen from Ohio, General GROSVENOR and Mr. NORTON, upon this bill, I remember to have heard them here on one memorable occasion, when the eloquence of their words were unsurpassed, when they were describing the utter helplessness of the distinguished soldier, Gen. Americus V. Rice, when they represented that his condition was so terrible that he was always suffering. They stated a condition of suffering of the general that almost brought tears to the eyes of the members of this House, and as a result of their eloquence a bill was passed giving him a pension of $100 a month.

It came to my knowledge a few days afterwards that this distinguished soldier was drawing a salary exceeding $2,000 a year at that very time as an employee in the Census Office. It was represented that his condition was such that he was absolutely unable to do anything, and would need constant personal attention. A few weeks ago I had occasion to go to the Census Bureau for

some purpose, and was pleased to see General Rice there discharging his duties; not dead, and I was glad of it. Because, from the pathetic statements made by the two gentlemen from Ohio more than a year ago, I did not think that distinguished soldier could live so long. I was glad to see him still able to discharge his duties. I have no objection to his being employed.

I think that preference should be given to those who have served in the Army. But we ought to have the facts presented to us when we consider a bill. Here we found that this man was represented as being in such a condition that he was utterly helpless, and it did seem to me a little strange to see him discharging the important duties of an important position more than a year later. Now, I want to say that when we consider these appeals from members of Congress, and act upon them in such a way, with the neighborly feeling and comradeship that will exist with local boards, it will be a very easy matter to say that every one of these men who are now drawing $12 a month will need periodical and frequent personal attention of another person. I think this section ought to go out of the bill or the bill be defeated. I hope the gentleman will consent to an amendment striking out this section.

The SPEAKER. The question is on suspending the rules, agreeing to the amendments, and passing the bill as amended.

The question was taken.

Mr. SIMS. Division, Mr. Speaker.

The House divided, and there were—ayes 95, noes 18.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill as amended was passed.

LEAVE TO PRINT.

Mr. SULLOWAY. Mr. Speaker, I desire to ask unanimous consent that members may have leave to print remarks in the RECORD on the bill just passed.

The SPEAKER. Within what length of time?

Mr. SIMS. I object.

The SPEAKER. Objection is made.

HAWAIIAN SILVER.

Mr. SOUTHARD. Mr. Speaker, I move to suspend the rules and pass the bill S. 2210, with the committee amendments.

The SPEAKER. The gentleman from Ohio moves to suspend the rules and pass Senate bill 2210 with sundry amendments. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 2210) relating to Hawaiian silver coinage and silver certificates.

Be it enacted, etc., That the silver coins that were coined under the laws of Hawaii, when the same are not mutilated or abraded below the standard of circulation, shall be received at the par of their face value in payment of all dues to the government of the Territory of Hawaii and of the United States, and the same shall not again be put into circulation, but they shall be recoined in the mints as United States coins.

SEC. 2. That when such coins have been received by either Government they shall be transmitted to the mint at San Francisco, in sums of not less than $500, to be recoined into subsidiary silver coins of the United States, the expense of transportation to be paid by the United States.

SEC. 3. That any collector of customs or of internal revenue of the United States in the Hawaiian Islands shall, if he is so directed by the Secretary of the Treasury, exchange standard silver coins of the United States that are in his custody as such collector with the Government of Hawaii, or with any person desiring to make such exchange, for coins of the Government of Hawaii, at their face value when the same are not abraded below the lawful standard of circulation, and the Treasurer of the United States, under the direction of the Secretary of the Treasury, is authorized to deposit such silver coins of the United States as shall be necessary with the collector of customs or of internal revenue at Honolulu or at any Government depository for the purpose of making such exchange under such regulations as he may prescribe.

SEC. 4. That any silver coins struck by the government of Hawaii that are mutilated or abraded below such standard may be presented for recoinage at any mint in the United States by the person owning the same, or his or her agents, in sums of not less than $50, and such owner shall be paid for such coins by the superintendent of the mint the bullion value per troy ounce of the fine silver they contain in standard silver coin of the United States, and such bullion shall be coined into subsidiary coinage of the United States.

SEC. 5. That silver coins heretofore struck by the government of Hawaii shall continue to be legal tender for debts in the Territory of Hawaii, in accordance with the laws of the Republic of Hawaii, until the 1st day of January, 1904, and not afterwards.

SEC. 6. That any silver certificates heretofore issued by the government of the Hawaiian Islands, intended to be circulated as money, shall be redeemed by the Territorial government of Hawaii on or before the 1st day of January, 1905, and after said date it shall be unlawful to circulate the same as money.

SEC. 7. That nothing in this act contained shall bind the United States to redeem any silver certificates issued by the goverment of Hawaii, or any silver coin issued by such government, except in the manner and upon the conditions stated in this act for the recoinage of Hawaiian silver.

SEC. 8. That the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated, from any moneys in the Treasury of the United States not otherwise appropriated, for the payment of the expenses of transporting said coins from the Hawaiian Islands to the mint at San Francisco, and a return of a like amount in the subsidiary coins of the United States to the Hawaiian Islands.

Mr. SHAFROTH. Mr. Speaker, I demand a second.

Mr. SOUTHARD. I ask unanimous consent, Mr. Speaker, that a second may be considered as ordered.

The SPEAKER. The gentleman from Ohio asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none.

Mr. SOUTHARD. Mr. Speaker, this bill involves a single simple proposition. It proposes the retirement of the silver coin in Hawaii and its replacement by the subsidiary silver coin of the United States. It proposes to do for Hawaii practically what was done for Porto Rico in the act of March 12 or April 12, 1900. The conditions are somewhat different, of course. In Porto Rico their silver was worth at that time only about 50 cents on the dollar, and the act authorized the taking of that money at 60 cents on the dollar.

The Hawaiian silver coinage has always circulated at par, and this bill provides that it shall be received by the officers of the United States Treasury at par and replaced by the subsidiary coinage of the United States. All of the coinage of the Hawaiian Islands was done under the act of 1883. All of their silver coins were coined during the years 1884, 1885, and 1886, and during that period of time about $1,000,000—I think exactly a million dollars—was coined in silver coin. There were 500,000 silver dollars, $350,000 in half dollars, $125,000 in quarter dollars, and $25,000 in dimes. This constituted the total coinage of the Hawaiian Islands, and the proposition is, as I have already stated, to retire this silver coinage and replace it by the subsidiary silver coinage of the United States.

Mr. CRUMPACKER. Will the gentleman from Ohio yield for a question?

Mr. SOUTHARD. Certainly.

Mr. CRUMPACKER. How does the Hawaiian silver coin circulate in Hawaii—at par?

Mr. SOUTHARD. Yes, sir; at par, and always has done so.

Mr. CRUMPACKER. If the Federal Government should receive this coin at par and recoin it into subsidiary coin, it would lose how much on the dollar?

Mr. SOUTHARD. Under the provisions of this bill there will be a slight gain to the Treasury of the United States.

Mr. CRUMPACKER. Could not the Federal Government go into the market and buy bullion and make an equivalent amount of subsidiary coin for 50 per cent of the par value of Hawaiian silver coin now?

Mr. SOUTHARD. This silver coin has always circulated at par.

Mr. CRUMPACKER. I know, but could not the Government now go into the market and buy bullion and coin subsidiary coin and save at least 50 per cent of what it would if it took the Hawaiian coin at par and recoined it into subsidiary coin?

Mr. SOUTHARD. I suppose the Government could buy bullion and replace that coin more cheaply than it could by taking the coin at par, but it would be manifestly unfair to the people of the Hawaiian Islands.

Mr. CRUMPACKER. Yes, but will it not be manifestly unfair to the people of the United States if they take this coin at gold par and recoin it into subsidiary coin, when they could get the equivalent in bullion at one-half the amount of money?

Mr. SOUTHARD. Every dollar of this coin is circulating at par and is a legal tender in the Hawaiian Islands.

Mr. CRUMPACKER. Who made it a legal tender?

Mr. SOUTHARD. The government of Hawaii.

Mr. CRUMPACKER. What relation does the United States bear toward it?

Mr. SOUTHARD. The United States Government has become responsible no further than it assumed responsibility in the organic act.

Mr. CRUMPACKER. Did it provide for the maintenance of the Hawaiian silver coin on a par with gold?

Mr. SOUTHARD. It does not expressly, but the Hawaiian silver coin is maintained at a par value with gold.

Mr. CRUMPACKER. Does the act of Congress make it legal tender?

Mr. SOUTHARD. No further than that they are legal tender by reason of circulating at par in Hawaii. The act of Congress does not make the coins of Hawaii legal tender.

Mr. CRUMPACKER. I do not see why we should take these coins at par and recoin them into subsidiary coin when we could make the equivalent amount of money by buying bullion. It would be a generous act to Hawaii, I admit, but directly against the interests of the people of the United States.

Mr. SOUTHARD. Let me ask the gentleman a question. Would the United States take a single dollar of Hawaiian money and replace it with less than the value of that which it took?

Mr. CRUMPACKER. What is the object of taking it if it will circulate in Hawaii on a par with gold? What is the object of it?

Mr. SOUTHARD. I will state two or three objects. One object is to have a uniform currency. Another object is that while favorable conditions exist to-day, they may not always remain as they are in the Hawaiian Islands. It is something that is universally desired by the people of Hawaii. It is something which is desired by our own Government. So far as I know, everybody wants it. The bill passed the Senate, as I understand, without

any division. It is a unanimous report from the Committee on Coinage, Weights, and Measures. So far as I know, there is no objection from any source in any of the provisions of this bill. The Hawaiian coin has a limited circulation, and it doubtless would be to the advantage of Hawaii to replace their coin by that of the United States.

All it costs the Government is the expense of coinage, and the Government will be more than reimbursed by what, in discussing the bill in the Senate, was called the seigniorage; that is, the gain which will come to the Government by reason of the coinage of 500,000 silver dollars and replacing them by an equal amount in half dollars.

This bill, as I have said, came from the Senate, and, as announced, it has been amended. It was referred to the Secretary of the Treasury, and he made a single suggestion. The original bill provided that the expense of collecting these coins, bringing them to this country and taking them back to Hawaii, should be borne equally by the Hawaiian Territorial Government and by the United States. The Secretary of the Treasury made the suggestion that it would be impracticable to divide this expense, and he suggested that as the Treasury would receive some gain by reason of the coinage of the 500,000 silver dollars, the bill should provide that the expense of bringing the money here and taking it back should be borne by the Treasury of the United States.

That suggestion is carried out in two amendments which are presented in this bill. Section 2 has been stricken out and a new section substituted, and an additional section has been added to the Senate bill appropriating $10,000 for the purpose of defraying the expenses of this transportation. In my judgment this expense will be very small. But there will be some expense and some provision should be made for it. That is the suggestion embodied in the two amendments I have mentioned.

Mr. CRUMPACKER. Was this coin maintained at par with gold before the acquisition of the Hawaiian Islands?

Mr. SOUTHARD. It was.

Mr. CRUMPACKER. By what means—by limiting the amount?

Mr. SOUTHARD. I have never been able to see just why it was maintained at par. In the first place, as already observed, the silver coinage was in a very limited amount.

Mr. CRUMPACKER. It was coined by the Government.

Mr. SOUTHARD. Coined by the United States.

Mr. CRUMPACKER. It was coined by the Hawaiian government, I believe.

Mr. SOUTHARD. Yes; coined by the Hawaiian government, but coined at San Francisco at the United States mint. The fact remains, I presume, that it is largely the use of this coinage that keeps it at par. Of course, the larger amount of money circulating in Hawaii is American money. Its limited quantity, legal-tender quality, and its use, everything connected with it—this situation has served to keep it at par. It always has been at par, and it is now circulating at par.

Mr. Speaker, I reserve the balance of my time.

Mr. SHAFROTH. Mr. Speaker, I am opposed to the passage of this bill for the reason that I do not see any necessity for interfering with the money that now exists in Hawaii. Hawaii has about $500,000 in what is termed Hawaiian dollars. They contain the same quantity of silver as does the American dollar—412½ grains, nine-tenths fine. On those silver dollars the Hawaiian government has issued silver certificates, so that a large part—two-thirds or three-fourths, or it may be four-fifths—of the silver dollars have had silver certificates issued upon them.

These dollars are as perfect dollars as the United States dollars. They were coined by our mint. They were just as carefully coined as any of our own coins. Consequently there is no occasion on account of bad coinage to substitute dollars of our own or to substitute subsidiary coin.

In the next place, the subsidiary coin of Hawaii was also coined by our Government, and these subsidiary coins contain exactly the same number of grains of silver as the corresponding coin of the United States. These coins all circulate at gold valuation, although there is no gold reserve behind them. Consequently there is no question here of these coins being at or going to a discount. Although some fears have been expressed by some people in this regard, no one has ever offered to sell one of these coins at a discount of so much as a half of 1 per cent.

Now, my judgment is that if we let this question alone it will solve itself. The passengers on every vessel that lands at Honolulu carry away as souvenirs some of this silver money. Almost everyone on the steamer I was on collected and retained some of the coins of those islands. I am sure I did. I have not any doubt the time will come when these Hawaiian coins will actually be worth more in the market as souvenirs than their face value in Hawaii.

Mr. GILBERT. How many are there?

Mr. SHAFROTH. Five hundred thousand of the dollars and some less of the subsidiary coin—probably $450,000 of subsidiary coin.

Now, I can not see any reason why the Government of the United States should be put to the expense of transporting from the Hawaiian Islands this money, melting it down, and recoining it into exactly corresponding amounts of United States money. This is not the same problem as that we had in Porto Rico, because there they had a different kind of coin, not containing the same number of grains of silver or bearing any relation to our money whatever, but the coins of Hawaii are identical with ours and they are identical in purchasing power as our money. If you wanted to, you might pass a law giving the Hawaiian coins the legal-tender powers in the United States which they possess there, which would make uniformity, but there is no complaint that these coins will not pass, there is no complaint that they do not have free circulation.

Now, Mr. Speaker, it seems to me the passage of this bill will cause a useless expenditure of money. Besides, this bill provides that the Hawaiian dollars shall be coined into subsidiary coin. Now, it is true that the dollar is not full legal tender in Hawaii. It is true it is limited to ten or twenty dollars, I forget which, but the power exists in Hawaii of issuing silver certificates upon those silver dollars in denominations of more than $1, and the result of it is those silver certificates constitute principally the circulating medium of the islands. Now, to provide that these dollars shall be melted down and replaced by subsidiary United States coin is evidently going to interfere somewhat seriously with the currency there.

Their five-dollar and ten-dollar certificates will unquestionably be affected, and this bill proposes to supplant them with subsidiary American coin. I do not see that any good purpose can be subserved by that. The silver coins pass current. They are not at a discount. Some people have thought they might go to a discount, but anyone who knows the commerce of those islands, who knows you can pay with these coins dues to the government, taxes upon lands and other property in the islands, and debts contracted must be satisfied that they can not go to a discount.

Mr. SOUTHARD. Will the gentleman yield?

Mr. SHAFROTH. Yes, sir.

Mr. SOUTHARD. Suppose the gentleman were trading with this country and had $100,000 of Hawaiian silver. Would the gentleman just as soon have it as American silver?

Mr. SHAFROTH. I do not understand the gentleman.

Mr. SOUTHARD. Supposing the gentleman were a banker over there and had accumulated $100,000 of Hawaiian silver?

Mr. SHAFROTH. Yes.

Mr. SOUTHARD. Would the gentleman as soon have it as American silver?

Mr. SHAFROTH. Why, I think the rate of exchange would be identically the same. They never had any difficulty in dealing with us before they were admitted as a part of this country.

Mr. SOUTHARD. Supposing the gentleman wanted to use that in this country, can the gentleman imagine conditions under which that would not be as valuable?

Mr. SHAFROTH. I will tell the gentleman what would be a good deal better than that and would not cost anything, and that is to give those coins legal-tender power in the United States the same that they possess in Hawaii. That would answer the purpose without any melting of these coins, and without recoining them into subsidiary coin.

Mr. SOUTHARD. Does not the gentleman think that we ought to have uniformity in our currency system?

Mr. SHAFROTH. I think uniformity should exist if it can be obtained at a reasonable cost.

Mr. GAINES of Tennessee. There is a very practical uniformity now.

Mr. SHAFROTH. There is practical uniformity in the number of grains of silver contained in each piece.

Mr. GAINES of Tennessee. They both circulate exactly alike.

Mr. SHAFROTH. Exactly. You never ask when you are in Hawaii whether it is Hawaiian coin or coin of the United States. Now, Mr. Speaker, one of the reasons why I oppose this bill is because it melts down these dollars and makes subsidiary coin out of them, and I do not think that is right, although these dollars have not the full legal-tender quality that our American coins have.

Mr. SLAYDEN. If the gentleman will permit a suggestion, I would say that no other dollar is substituted, but subsidiary coin is substituted.

Mr. SHAFROTH. It substitutes subsidiary coin, according to the terms of this bill. Now, there is another question which is raised by the gentleman from Indiana [Mr. CRUMPACKER]. I do not know whether there is any duty resting upon us contained in the agreement of annexation between Hawaii and this Government to replace their money with ours. If there is it ought to be complied with. But if the United States is to coin

$1,000,000 in subsidiary coins for circulation in Hawaii it can buy the bullion at half what it will take to purchase the Hawaiian coins. If according to the terms of annexation it is the duty of Hawaii to take care of her issues of money and we to take care of our coins, which have always been in circulation there, then to pass this bill will be to make a gift to that Territory of $500,000. Now, I do not know whether there is an obligation or not. If there is it ought to be complied with.

Mr. GAINES of Tennessee. What sort of an obligation does the gentleman refer to?

Mr. SHAFROTH. I do not know whether we agreed to take care of these coins or not.

Mr. GAINES of Tennessee. We did not. There is no such provision in the treaty.

Mr. SHAFROTH. I do not know whether we did or not. If we did, we ought to do it, no matter whether it costs $500,000 or $10,000,000.

Mr. GAINES of Tennessee. We simply continued the existing laws in force, which made these dollars legal tender.

Mr. SHAFROTH. I wish to say in conclusion that this bill involves silver coins of the value of about $950,000, $500,000 of which are in dollars, and of which $450,000 are hypothecated for the redemption of silver certificates, issued in denominations, I understand, from $5 up. The balance is in subsidiary coin, containing identically the same number of grains of silver that our corresponding coins contain, and known as quarters, halves, and dimes, exactly the same as ours.

They all circulate in Hawaii at a par with our coin, one being freely exchanged for the other. The cost of transporting this coin from Hawaii to San Francisco and coining it into subsidiary coin of American money and the reshipment back will amount to a considerable sum. The expense is entirely unnecessary and will disturb their circulating medium. You can not substitute subsidiary coin for their large silver certificates without producing a redundancy of small money and a shortage of large money. Besides, I am absolutely opposed to the melting of silver dollars for the purpose of coining into subsidiary coins. For these reasons I am opposed to the passage of this bill.

How much time have I remaining, Mr. Speaker?

The SPEAKER pro tempore (Mr. DALZELL). The gentleman has nine minutes remaining.

Mr. SHAFROTH. I yield five minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. MADDOX. Before the gentleman does that I wish to ask him who suffers the loss of the $450,000?

Mr. SHAFROTH. That loss will be suffered by the United States.

Mr. MADDOX. It will?

Mr. SHAFROTH. In this way: It could buy the bullion out of which to make this corresponding amount of subsidiary coin for $400,000 less than it could take up the Hawaiian coins and melt them down.

Mr. ROBINSON of Indiana. Who gets the revenues from the Hawaiian Islands?

Mr. SHAFROTH. Some of the revenues our Government gets and some the Territory itself gets.

Mr. ROBINSON of Indiana. But a vast amount collected from Hawaii goes into the United States Treasury.

Mr. SHAFROTH. Yes, some; but I do not know the amount.

Mr. HILL. We are responsible for this anyway. We can not help ourselves.

The SPEAKER. The gentleman from Tennessee [Mr. GAINES] is recognized for five minutes.

Mr. GAINES of Tennessee. Mr. Speaker, I do not know that I shall use that much time; but I want to say that on my way home from the Orient we stopped at Honolulu, and there, as elsewhere, I made it my duty to investigate matters that would be pertinent to our action here in Congress. Therefore, I at once riveted my attention on the money question, knowing that we had had that question up in Congress and would have it up again.

I found that the Hawaiian money passed pari passu with the American money; that the Hawaiian dollar passed just as freely as the American dollar; that there was no objection whatever from anybody to allowing the money to remain just as it is.

Mr. SNODGRASS. I should like to ask the gentleman the authority for this Hawaiian money.

Mr. GAINES of Tennessee. I was just about to state that the "existing" laws of Hawaii were continued when we annexed Hawaii, and the "existing" law of Hawaii made this money, as I recollect it, a full legal tender.

Mr. HILL. Up to $10.

Mr. GAINES of Tennessee. Well, say $10; but my recollection was that it was full legal tender.

Mr. SNODGRASS. Was that by the terms of the treaty?

Mr. GAINES of Tennessee. Yes; the "existing" law of Hawaii made this money legal tender, and it has remained so by the statute of annexation and is so now, and that is the law of that land now.

Mr. SNODGRASS. It is a part of the law of the United States?

Mr. GAINES of Tennessee. Yes, as stated. The statute of annexation continued the existing Hawaiian laws, which laws made the Hawaiian dollar a legal tender. I regret the hearings have not been printed. My recollection is the ex-collector of United States revenue there said that it was a full legal tender, but if it was only for 5 cents I say that in Hawaii these coins passed freely. It was taken by everybody as freely as American money. There was no difficulty with anybody in taking the money. I asked them if there was any trouble and they said "no." The bankers, who get their money in small amounts, said they did not want any change in the money made, and said it was good enough for them; so with the street car men and merchants. The gentleman from Connecticut states it only passes as legal tender up to $10. He may be correct.

I so understood the answer to the question asked when we had the hearings, and the gentleman who deposed at the time made a statement, which is a part of his testimony, in respect to the law; but it seems the testimony has not been printed, so I am not definite about that. But this money is absolutely acceptable to everybody. It is acceptable to the Government of the United States; it is acceptable to the Hawaiian government; it is acceptable to the capitalists there; acceptable to the street car men, and to the laborers of that country.

Will you pray tell me what right and what justice there is in grinding it up into subsidiary coins at the expense of somebody, the Government of the United States at least, if not those now holding this money? Hence it is a matter of business, is a matter of economy, is a matter of justice to those people who hold this money not to change it. They sustain the loss.

Why, everybody over there is paid in this money. I changed my money, and in a few minutes I had my pockets full of it, and I had no trouble with it. Why should you, then, strike down this money? Why should it be ground into subsidiary coin, that has a limited tender, when there is no complaint; when it is in the pockets of the people and the laborers, and they are not complaining? I say there is no wisdom, no justice, nor right in doing so, and hence it is that I object to the whole proposition. Let it alone, and let it do, as it is, full legal-tender money duty for everybody.

Mr. SOUTHARD. How much time have I remaining?

The SPEAKER. The gentleman has five minutes.

Mr. SOUTHARD. I yield to the gentleman from Connecticut.

Mr. HILL. Mr. Speaker, if I can have the attention of the House for a few moments while I explain this bill I believe that every man on this floor will vote for it. The government of Hawaii under the old system had coined a million dollars of silver. It is all subsidiary. It has no legal-tender power in excess of $10. The bill is purely a business matter. It has passed the Senate unanimously. Senator TELLER, of Colorado, made a speech in favor of the bill, and there was no opposing vote when the bill passed the Senate early in the session. It has not only passed at this session, but it passed at the last session.

Now, the facts in the case are simply these: Under the old government a million dollars of subsidiary coin was coined. The dollar was subsidiary, with tender limited to $10. The only difference between that dollar and ours is this: While theirs corresponded with ours in fineness and in size it does not correspond in its legal-tender quality. We are responsible for them. We have to take them anyway, and it is simply a question of whether we will have two kinds of coin. It can be bought at a discount and sold at the bullion rates if the banks refuse to accept it in any future transaction. It can not be refused on existing transactions, but they can draw notes or documents saying that in the future only American coin shall be received.

Now, the Post-Office Department of the Government says, "What are we going to do with these two kinds of money in circulation? If the banks refuse to take it we shall have to take it in unlimited quantities." I have here a letter sent to me from the Post-Office Department only a few days ago, asking information as to what they were to do. It was signed by Mr. Wynne, the First Assistant Postmaster-General, inclosing a letter from the postmaster at Honolulu, by which you will see the position in which the Government, not the people of Hawaii, is placed from the fact that the Government is called on to take it.

Mr. HOPKINS. Will the gentleman permit me to ask him a question?

Mr. HILL. Certainly.

Mr. HOPKINS. Is this money received by the Government for customs dues?

Mr. HILL. It is legal tender up to $10.

Mr. HOPKINS. If our Government receives it at its face value, does the gentleman believe that it would be depreciated in any private transaction?

Mr. HILL. Why, certainly I believe it would. It had only legal-tender quality for $10.

Mr. HOPKINS. If the Government receives it at par value, it will go everywhere.

Mr. HILL. Why does not a Mexican dollar go as far in Mexico? But why argue theoretically on a business proposition of this kind?

Mr. GAINES of Tennessee. Does not the gentleman know it is full legal tender between this Government and the people?

Mr. HILL. Its legal-tender quality is limited to the sum of $10.

Mr. GAINES of Tennessee. Does it not go up on all sorts of contracts between the people there?

Mr. HILL. Do you suppose anybody would take this in amounts of more than $10.

Mr. GAINES of Tennessee. That is an evasive answer to my question.

Mr. HILL. It does not.

Mr. GAINES of Tennessee. It is accepted by everybody there.

Mr. HILL. It has no legal function outside of $10.

Mr. GAINES of Tennessee. But it is received over there for all amounts.

Mr. HILL. Not in this coin.

Mr. GAINES of Tennessee. I was there, and it was accepted for all duties.

Mr. HILL. In this country?

Mr. GAINES of Tennessee. Not in this country, but in that country.

Mr. HILL. The following is the letter:

POST-OFFICE DEPARTMENT,
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL,
DIVISION OF THE POSTAL MONEY ORDER SYSTEM,
Washington, D. C., June 2, 1902.

SIR: In connection with the matter of the redemption of coin of Hawaii, upon which subject some legislation is pending, please find herewith, for your information, a copy of a letter from the postmaster at Honolulu, Hawaii, of date of the 20th ultimo.

It would seem that the subject is one well worthy of prompt attention.

Respectfully,
R. J. WYNNE,
First Assistant Postmaster-General,

Hon. E. J. HILL,
Chairman Committee on Banking and Currency,
House of Representatives.

HONOLULU POST-OFFICE, *Honolulu, H. I., May 20, 1902.*

Hon. FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, D. C.

SIR: With further reference to my letter of November 13 last, in re Hawaiian silver coin, I would again call your attention to the fact that some of the bankers here are again agitating the advisability of not receiving Hawaiian coin.

One bank here has deposited in its vaults about $200,000 silver, about four-fifths of which is Hawaiian, which they claim can not be sent to any other part of the United States in payment of debts, leaving about only one-fifth American silver available for that purpose.

While there is no threat made that they will refuse Hawaiian silver, there is a hint given that they may do so, in which case this office would have to do the same,

About the first of each month a great proportion of this coin is shipped to the various plantations to pay off the employees, but by the middle of the month it finds its way back to Honolulu again, considerable of it through the post-office, and is soon piled up in the banks as before.

I submit the above facts in order that the Department may be aware of the conditions that exist here, and perhaps take some immediate action before it is taken up here with perhaps serious results to the community.

Respectfully,
JOS. M. OAT, *Postmaster.*

Now, gentlemen, that is all there is of it. We can not help ourselves.

The SPEAKER. The time of the gentleman from Connecticut has expired.

Mr. HILL. I ask unanimous consent for one minute more.

Mr. SHAFROTH. I yield one minute to the gentleman.

Mr. HILL. There is only this about it—we have got to take it, either through the custom-house or the post-office. We will make $15,000 by recoining it into our own money.

Mr. GAINES of Tennessee. If that is the case, how will it bankrupt the United States to coin silver money? [Laughter.]

Mr. SOUTHARD. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has five minutes, and the gentleman from Colorado has two minutes.

Mr. SHAFROTH. Mr. Speaker, in reply to the gentleman from Connecticut, I will say that it seems to me that because a bill may pass the other body without a contest is no reason why it should pass this body. In my judgment there is no substantial reason for the passage of this bill. These coins circulate at par and contain the same number of grains of silver as the American coins. They will take care of themselves if you let them alone.

All of the tourists that go to Hawaii take away a number of them to keep as souvenirs. In time they will consume the entire circulation, and it will not cost the Government one penny. If there was no other reason than that, it seems to me the bill should not pass.

Besides, there are $500,000 upon which silver certificates have been issued in denominations of five and ten dollars. If you are going to substitute subsidiary coin you will inconvenience the people of Hawaii. Subsidiary silver coin is not as convenient as bills of five and ten dollar denominations in large transactions. The fact that the United States Government receives this silver coin in payment of duties to the Government, the fact that the Territorial government receives them in payment of all taxes—municipal and county—ought to convince anyone that there is no danger of them going to a discount, or that any of this money will go to a discount.

To recoin this money, to bring it to the United States and melt it down and recoin it into coins of precisely the same number of grains as exists in our money, will involve the expenditure of a considerable sum. If there is no obligation resting upon the Government to redeem it, if Hawaii was to take care of her money and we were to take care of ours, you can readily see that the Government of the United States will lose $450,000 by recoinage, because it can buy one million of bullion in the market and coin it into subsidiary coin by the payment of $450,000. If there is any obligation I would not allow that to weigh one particle.

The SPEAKER. The time of the gentleman from Colorado has expired.

Mr. SOUTHARD. Mr. Speaker, the gentleman admits his whole case away when he says that the coins circulate under different conditions. Two coins circulating under admittedly different conditions will at some time be of varying value. It can not possibly be otherwise, and when he says that he should oppose a law making an Hawaiian dollar unlimited legal tender, he admits his whole case. It is for the purpose of keeping $500,000 more silver in circulation that the gentleman takes the position that he does. So far as we know, the gentleman and one or two others are the only ones who have interposed any objection to what is proposed in the bill. The people of Hawaii are all in favor of it. Our Treasury Department is in favor of it.

Mr. SHAFROTH. Have you any petitions?

Mr. GAINES of Tennessee. The gentleman from Ohio says that the people of Hawaii are in favor of it. Where does he get his information?

Mr. SOUTHARD. If the gentleman from Tennessee had read the report in this case, he would not ask that question.

Mr. GAINES of Tennessee. Well, as I have not the report here, I ask the gentleman the question. I deny that the people of Hawaii do want it.

Mr. SOUTHARD. I get it in part from a letter of S. M. Damon, published in the report. I get it also from other sources. This is legislation uniformly demanded, it is something that everybody wants, and the bill ought to pass without objection. Mr. Speaker, I ask for a vote.

The SPEAKER. The motion is to suspend the rules and agree to the amendment and pass the bill as amended.

The question was taken; and the Speaker announced that the ayes had it.

Mr. SHAFROTH. Mr. Speaker, I demand a division.

The House proceeded to divide.

Mr. SOUTHARD (before the announcement of the vote). Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The yeas and nays are demanded by the gentleman from Ohio.

The yeas and nays were ordered.

The question was taken; and there were—yeas 114, nays 71, answered "present" 13, not voting 153; as follows:

YEAS—114.

Alexander,	Darragh,	Ketcham,	Reeves,
Allen, Me.	Deemer,	Kyle,	Roberts,
Aplin,	Dick,	Lacey,	Robinson, Ind.
Barney,	Dovener,	Lawrence,	Rumple,
Bartholdt,	Draper,	Lessler,	Scott,
Bates,	Driscoll,	Lewis, Pa.	Shattuc,
Bishop,	Eddy,	Long,	Sherman,
Boutell,	Emerson,	Loud,	Showalter,
Bowersock,	Esch,	Loudenslager,	Sibley,
Brick,	Evans,	McCleary,	Smith, Ill.
Bristow,	Foerderer,	McLachlan,	Smith, S. W.
Bromwell,	Gibson,	Martin,	Southard,
Brown,	Gillet, N. Y.	Mercer,	Sperry,
Burk, Pa.	Graff,	Metcalf,	Steele,
Burke, S. Dak.	Grosvenor,	Minor,	Stewart, N. J.
Burkett,	Grow,	Mondell,	Stewart, N. Y.
Burton,	Hamilton,	Moody, N. C.	Sutherland,
Calderhead,	Hedge,	Moody, Oreg.	Tawney,
Cannon,	Hemenway,	Moss,	Thomas, Iowa
Capron,	Henry, Conn.	Olmsted,	Tompkins, Ohio
Cassel,	Hepburn,	Otjen,	Tongue,
Conner,	Hill,	Overstreet,	Van Voorhis,
Cousins,	Hopkins,	Palmer,	Vreeland,
Cromer,	Hull,	Patterson, Pa.	Wachter,
Crumpacker,	Irwin,	Payne,	Wadsworth,
Currier,	Jenkins,	Perkins,	Warnock,
Curtis,	Jones, Wash.	Powers, Me.	Woods.
Cushman,	Joy,	Ray, N. Y.	
Dalzell,	Kahn,	Reeder,	

NAYS—71.

Ball, Tex.	Fleming,	Little,	Shafroth,
Bartlett,	Flood,	Lloyd,	Shallenberger,
Bell,	Gaines, Tenn.	McCulloch,	Sims,
Bellamy,	Gilbert,	McRae,	Slayden,
Brantley,	Glenn,	Maddox,	Snodgrass,
Breazeale,	Griffith,	Mickey,	Snook,
Brundidge,	Griggs,	Miers, Ind.	Spight,
Burleson,	Hay,	Moon,	Stark,
Burnett,	Henry, Miss.	Neville,	Stephens, Tex.
Candler,	Hooker,	Norton,	Swanson,
Cassingham,	Howard,	Ransdell, La.	Thomas, N. C.
Clayton,	Jackson, Kans.	Reid,	Thompson,
Cochran,	Jones, Va.	Richardson, Tenn.	Underwood,
Cowherd,	Kitchin, Claude	Rixey,	Vandiver,
Davis, Fla.	Kitchin, Wm. W.	Robb,	Williams, Miss.
De Armond,	Kleberg,	Rucker,	Wooten,
Dougherty,	Lanham,	Ryan,	Zenor.
Edwards,	Lewis, Ga.	Selby,	

ANSWERED "PRESENT"—13.

Adamson,	Fitzgerald,	McClellan,	Pou.
Benton,	Gillett, Mass.	Mann,	
Bowie,	Johnson,	Padgett,	
Dinsmore,	Landis,	Pierce,	

NOT VOTING—153.

Acheson,	Fletcher,	Lester,	Scarborough,
Adams,	Fordney,	Lever,	Schirm,
Allen, Ky.	Foss,	Lindsay,	Shackleford,
Babcock,	Foster, Ill.	Littauer,	Shelden,
Ball, Del.	Foster, Vt.	Littlefield,	Sheppard,
Bankhead,	Fowler,	Livingston,	Skiles,
Beidler,	Fox,	Lovering,	Small,
Belmont,	Gaines, W. Va.	McAndrews,	Smith, Iowa
Bingham,	Gardner, Mich.	McCall,	Smith, Ky.
Blackburn,	Gardner, N. J.	McDermott,	Smith, H. C.
Blakeney,	Gill,	McLain,	Smith, Wm. Alden
Boreing,	Goldfogle,	Mahon,	Southwick,
Broussard,	Gooch,	Mahoney,	Sparkman,
Brownlow,	Gordon,	Marshall,	Stevens, Minn.
Bull,	Graham,	Maynard,	Storm,
Burgess,	Green, Pa.	Meyer, La.	Sulloway,
Burleigh,	Greene, Mass.	Miller,	Sulzer,
Butler, Mo.	Hall,	Morgan,	Talbert,
Butler, Pa.	Hanbury,	Morrell,	Tate,
Caldwell,	Haskins,	Morris,	Tayler, Ohio
Clark,	Haugen,	Mudd,	Taylor, Ala.
Connell,	Heatwole,	Mutchler,	Thayer,
Conry,	Henry, Tex.	Naphen,	Tirrell,
Coombs,	Hildebrant,	Needham,	Tompkins, N. Y.
Cooney,	Hitt,	Nevin,	Trimble.
Cooper, Tex.	Holliday,	Newlands,	Wanger,
Cooper, Wis.	Howell,	Parker,	Warner,
Corliss,	Hughes,	Patterson, Tenn.	Watson,
Creamer,	Jack,	Pearre,	Weeks,
Crowley,	Jackson, Md.	Powers, Mass.	Wheeler,
Dahle,	Jett,	Prince,	White,
Davey, La.	Kehoe,	Pugsley,	Wiley,
Davidson,	Kern,	Randell, Tex.	Williams, Ill.
Dayton,	Kluttz,	Rhea, Va.	Wilson,
De Graffenreid,	Knapp,	Richardson, Ala.	Wright,
Douglas,	Knox,	Robertson, La.	Young.
Elliott,	Lamb,	Robinson, Nebr.	
Feely,	Lassiter,	Ruppert,	
Finley,	Latimer,	Russell,	

So (two-thirds not voting in favor thereof) the motion was not agreed to.

The following additional pairs were announced:

Until further notice:

Mr. HASKINS with Mr. JOHNSON.

For this day:

Mr. BLACKBURN with Mr. BUTLER of Missouri.

Mr. HITT with Mr. GOOCH.

Mr. JACKSON of Maryland with Mr. ALLEN of Kentucky.

Mr. COOPER of Wisconsin with Mr. HENRY of Texas.

Mr. BURLEIGH with Mr. FOX.

Mr. FOWLER with Mr. RICHARDSON of Alabama.

Mr. STEVENS of Minnesota with Mr. RANDELL of Texas.

Mr. SULLOWAY with Mr. RUPPERT.

Mr. STORM with Mr. SMITH of Kentucky.

Mr. TOMPKINS of New York with Mr. THAYER.

Mr. NEEDHAM with Mr. WILLIAMS of Illinois.

Mr. PEARRE with Mr. WILEY.

On this vote:

Mr. KNAPP with Mr. DE GRAFFENREID.

Mr. ADAMS with Mr. DINSMORE.

Mr. BEIDLER with Mr. COOPER of Texas.

Mr. FOSS with Mr. LIVINGSTON.

Mr. HANBURY with Mr. FITZGERALD.

Mr. HUGHES with Mr. LESTER.

Mr. GRAHAM with Mr. GOLDFOGLE.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 4957. An act granting an increase of pension to Stiles L. Acee;

S. 5660. An act granting a pension to George W. Berry;

S. 4827. An act granting an increase of pension to George W. Stott;

S. 2545. An act granting a pension to William Johnston;

S. 5431. An act granting a pension to Daniel Dougherty;

S. 3365. An act granting an increase of pension to Eliza Miller;

S. 6008. An act granting an increase of pension to David Vickers;

S. 4211. An act granting an increase of pension to James M. Conrad;

S. 6015. An act granting an increase of pension to Clara M. Gihon;

S. 5659. An act granting an increase of pension to Malinda Heard;

S. 5747. An act granting an increase of pension to James E. Bader;

S. 4251. An act granting an increase of pension to William C. Banta;

S. 5901. An act granting an increase of pension to Orange Sells;

S. 4811. An act granting an increase of pension to John W. Dick;

S. 4493. An act granting an increase of pension to Michael Volz;

S. 3715. An act granting an increase of pension to Henry Weaver;

S. 3315. An act granting an increase of pension to George W. Bradshaw;

S. 4454. An act granting an increase of pension to John D. Sullivan;

S. 5758. An act granting an increase of pension to David Ham;

S. 3423. An act granting an increase of pension to Maria V. Stadtmueller;

S. 2306. An act granting a pension to William H. Lessig;

S. 1666. An act granting an increase of pension to Rufus V. Lee;

S. 4121. An act granting a pension to Elizabeth Jacobs;

S. 5239. An act granting an increase of pension to Joseph O. Kerbey, alias Joseph A. Kerbey;

S. 3644. An act granting a pension to James Mealey;

S. 3238. An act granting an increase of pension to Martha Elizabeth Hench;

S. 5076. An act granting an increase of pension to Katharine W. Clarke;

S. 2283. An act granting an increase of pension to William F. Angevine;

S. 3180. An act granting an increase of pension to Emma L. Ferrier;

S. 5944. An act granting an increase of pension to Frederick W. Wiley, alias William F. Wiley;

S. 4308. An act for the relief of Kate A. Nolan;

S. 4517. An act for the relief of Priscilla R. Burns;

S. 587. An act for the relief of A. M. Darling, administrator; and

S. 1792. An act to amend an act entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property;"

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 13554. An act granting an increase of pension to Andrew E. Hicks;

H. R. 9366. An act granting an increase of pension to Peter T. Norris;

H. R. 7906. An act granting a pension to Martha G. Young;

H. R. 7882. An act granting an increase of pension to John H. Smith;

H. R. 14079. An act granting an increase of pension to John Miller;

H. R. 6402. An act granting a pension to Mary J. Adams;

H. R. 14224. An act granting an increase of pension to Margaret S. Tod;

H. R. 5018. An act granting an increase of pension to Johann Conrad Haas;

H. R. 10767. An acting granting an increase of pension to Louisa N. Grinstead;

H. R. 12770. An act granting an increase of pension to Carrie M. Schofield;

H. R. 8781. An act granting a pension to Mary E. Holbrook;

H. R. 5866. An act granting an increase of pension to William P. Schott, alias Jacob Schott;

H. R. 2470. An act granting an increase of pension to Charles P. Maxwell;

H. R. 13423. An act granting an increase of pension to Elizabeth Wall;

H. R. 2192. An act granting an increase of pension to Benjamin F. Sheurer;

H. R. 7353. An act granting a pension to Nancy M. Williams;

H. R. 12305. An act granting an increase of pension to Charles Olson;

H. R. 13691. An act granting an increase of pension to James M. Conrad;

H. R. 14052. An act granting an increase of pension to George Fusselman;
H. R. 10954. An act granting an increase of pension to Mary J. Gillam;
H. R. 14374. An act granting a pension to Samantha Towner;
H. R. 5877. An act granting a pension to Robert Watts;
H. R. 3262. An act granting an increase of pension to David T. Bruck;
H. R. 1466. An act granting a pension to Alfred Hatfield;
H. R. 292. An act granting a pension to Henrietta Gottweis;
H. R. 5328. An act granting an increase of pension to Samuel Bortle;
H. R. 7986. An act granting a pension to Clara C. Hawks;
H. R. 3986. An act granting a pension to Martha A. Cornish;
H. R. 12409. An act granting an increase of pension to Jesse M. Peck;
H. R. 3677. An act granting an increase of pension to James F. Gray;
H. R. 9710. An act granting an increase of pension to Elizabeth J. Eagon;
H.R.12976. An act granting an increase of pension to Jacob Smith;
H. R. 6847. An act to correct the record of Michael Hayes;
H. R. 8457. An act granting an increase of pension to Gibboney F. Hoop;
H. R. 8780. An act granting an increase of pension to Pierson L. Shick;
H. R. 6414. An act granting an increase of pension to William W. H. Davis;
H. R. 11327. An act granting an increase of pension to Charles E. Pettis;
H. R. 13378. An act granting an increase of pension to Edwin Beckwith;
H. R. 10255. An act granting a pension to Margaret Tisdale;
H. R. 14359. An act granting a pension to Luther G. Edwards;
H. R. 8109. An act granting an increase of pension to William H. McCarter;
H. R. 12774. An act granting an increase of pension to John M. Brown;
H. R. 14012. An act granting a pension to Fannie Reardon;
H. R. 14118. An act granting an increase of pension to Mary C. Bickerstaff;
H. R. 10172. An act granting an increase of pension to Thomas Finegan;
H. R. 13946. An act granting an increase of pension to Stephen B. Todd;
H. R. 1478. An act granting an increase of pension to Henry Runnels;
H. R. 5550. An act for the relief of W. C. Taylor;
H. R. 3263. An act granting an increase of pension to John Revley;
H. R. 954. An act granting an increase of pension to Rachael Brown;
H. R. 6991. An act granting an increase of pension to Esek B. Chandler;
H. R. 12047. An act granting an increase of pension to Jackson L. Wilson;
H. R. 12724. An act granting an increase of pension to Richard M. Kellough;
H. R. 12408. An act granting an increase of pension to John A. Eveland;
H. R. 12312. An act granting a pension to Susan Walker;
H.R.5145. An act granting an increase of pension to Thomas Swan;
H. R. 13017. An act granting an increase of pension to James Austin;
H. R. 13321. An act granting an increase of pension to John S. Bonham;
H. R. 7922. An act granting an increase of pension to Richard G. Watkins;
H. R. 12130. An act granting a pension to Christopher S. Stephens;
H. R. 8698. An act granting an increase of pension to Nelson Churchill;
H. R. 884. An act granting an increase of pension to Ellen W. Rice;
H. R. 10899. An act granting an increase of pension to William Warner;
H. R. 11711. An act granting an increase of pension to Isaac Gibson;
H. R. 13597. An act granting an increase of pension to Edmund B. Appleton;
H. R. 6186. An act granting a pension to Carrie B. Farnham;
H. R. 11115. An act granting a pension to Angeline H. Taylor;
H. R. 13081. An act granting an increase of pension to Anthony J. Railey;
H. R. 11493. An act granting a pension to Mary A. Lipps;
H. R. 11865. An act granting an increase of pension to John A. Robertson;
H. R. 3770. An act granting a pension to James E. Dickey;
H. R. 3768. An act granting an increase of pension to John W. Campbell;
H. R. 9164. An act granting an increase of pension to John H. Crawford;
H. R. 9717. An act granting a pension to Isaac M. Pangle;
H. R. 8026. An act granting an increase of pension to Joseph D. McClure;
H. R. 945. An act granting an increase of pension William W. Richardson;
H. R. 6890. An act granting an increase of pension to Robert O. Scroggs;
H. R. 2615. An act granting an increase of pension to Charles E. Miller;
H. R. 8476. An act granting an increase of pension to Moses S. Curtis;
H. R. 5146. An act granting an increase of pension to Florian V. Sims;
H. R. 13683. An act granting an increase of pension to Ella B. S. Mannix;
H. R. 13063. An act granting an increase of pension to Julia B. Shurtleff;
H. R. 10794. An act granting a pension to Thomas H. Devitt;
H.R.13178. An act granting a pension to William F. Bowden; and
H. R. 9463. An act granting an increase of pension to Edgar A. Stanley.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 12299. An act granting a pension to William C. Roberts;
H. R. 10178. An act granting an increase of pension to Daniel Thomas;
H. R. 3500. An act granting an increase of pension to Kate O. Phillips;
H. R. 12284. An act granting an increase of pension to George W. Shaw;
H. R. 12800. An act granting an increase of pension to Horatio N. Whitbeck;
H. R. 3323. An act granting a pension to Daniel L. Mallicoat;
H. R. 6871. An act granting an increase of pension to Harman Scramlin;
H. R. 12507. An act granting an increase of pension to Ebenezer W. Oakley;
H. R. 5315. An act granting an increase of pension to Orrin J. Wells;
H. R. 3641. An act for the allowance of certain claims for property taken for military purposes within the United States during the war with Spain, etc.; and
H. R. 14019. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 3057) appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 3653) for the protection of the President of the United States, and for other purposes, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOAR, Mr. FAIRBANKS, and Mr. PETTUS as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. PERKINS, and Mr. TILLMAN as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8840) granting an increase of pension to John H. Lauchly.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses to the bill (S. 3992) granting an increase of pension to David M. McKnight.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

Mr. FOX, for ten days, on account of important business.

Mr. RHEA of Virginia, for one week, on account of important business.

Mr. KLUTTZ, for one week, on account of serious illness in his family.

PRISON-SHIP MARTYRS AT FORT GREENE, BROOKLYN, N. Y.

Mr. McCLELLAN. Mr. Speaker, by authority from the Committee on the Library, I move that the rules be suspended and that the amendment to House joint resolution No. 6, in relation to a monument to prison-ship martyrs at Fort Greene, Brooklyn, N. Y., submitted by the committee, be agreed to, and that as amended the resolution be agreed to.

The SPEAKER. The gentleman from New York, by direction of the Committee on the Library, calls up House joint resolution No. 6, and moves that the rules be suspended and that the amendments be agreed to, and the resolution as thus amended be passed. The Clerk will report the resolution.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $100,000 as a part contribution to the erection of said monument in Fort Greene Park, in the borough of Brooklyn, city and State of New York: *Provided, however*, That said sums shall not be payable until there has been raised, by private subscription and by public appropriations as aforesaid, sums aggregating an additional $100,000: *And provided further*, That said moneys shall not be paid for the erection of a monument, plans for which shall not have been approved by the Secretary of War of the United States and the governor of the State of New York and mayor of the city of New York; and the said moneys shall be expended under the joint supervision of the said Secretary and said governor and said mayor.

Mr. CLAYTON. Mr. Speaker, I demand a second.

Mr. McCLELLAN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from New York asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. McCLELLAN. Mr. Speaker, the purpose of this resolution is an appropriation of $100,000 as a part contribution to the erection of a monument to the memory of the so-called prison-ship martyrs at Fort Greene Park, Brooklyn, N. Y. The State of New York has already appropriated $25,000 and has authorized the city of New York to appropriate $50,000, and there have been raised $25,000 by private subscriptions; in all, $100,000. The appropriation authorized in the resolution does not take effect until the other $100,000 has been paid in.

During the Revolutionary war nearly 20,000 naval and military prisoners, confined in hulks anchored at Wallabout Bay, the present site of the United States navy-yard, Brooklyn, N. Y., died because of the cruelties they suffered at the hands of their British jailers. They were buried on the shore near the hulks. In 1808 they were given Christian burial by the Tammany Society or Columbian Order, and in 1873 they were moved to Fort Greene Park, where they now lie. Similar resolutions or bills have been reported to the House in the Forty-ninth, Fiftieth, Fifty-first, Fifty-second, Fifty-fourth, Fifty-fifth, and Fifty-sixth Congresses, and the Committee on the Library is unanimous in thinking that it is only right that the resolution should be agreed to.

The resolution was introduced by my colleague, the gentleman from New York [Mr. FITZGERALD], who has labored unceasingly for the success of this patriotic project, with which his name will always be most appropriately associated. I yield five minutes to my colleague [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, unless further explanation is needed I will not occupy the time of the House, but will ask for a vote.

The SPEAKER. The question is on agreeing to the motion of the gentleman from New York [Mr. McCLELLAN].

The question was taken; and two-thirds having voted in favor of the motion, the amendment was agreed to, and the resolution as amended passed.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States was communicated to the House of Representatives by Mr. B. F. BARNES, one of his secretaries, who informed the House of Representatives that the President had approved and signed bills of the following titles:

On June 10, 1902:

H. R. 12085. An act providing for the completion of a light and fog signal station in the Patapsco River, Maryland.

On June 13, 1902:

H. R. 949. An act for the relief of Charles H. Robinson;

H. R. 7034. An act for the relief of Navajo County, Ariz.;

H. R. 8786. An act ratifying the act of the Territorial legislature of Arizona, approved March 2, 1901, providing a fund for the erection of additional buildings for the University of Arizona;

H. R. 12346. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

H. R. 7687. An act granting an increase of pension to Charles C. Washburn;

H. R. 9592. An act granting a pension to Emily Briggs;

H. R. 12796. An act providing for free homesteads in the Ute Indian Reservation in Colorado;

H. R. 11599. An act to redivide the district of Alaska into three recording and judicial divisions; and

H. R. 1992. An act granting the right of way to the Alafia, Manatee and Gulf Coast Railway Company through the United States light-house and military reservations on Gasparilla Island, in the State of Florida.

On June 14, 1902:

H. R. 12797. An act to ratify act numbered 65 of the twenty-first Arizona legislature;

H. R. 10819. An act for the relief of George T. Winston, president of North Carolina College of Agriculture and Mechanic Arts, and W. S. Primrose, chairman board trustees;

H. R. 8129. An act to amend sections 4076, 4078, and 4075, of the Revised Statutes; and

H. R. 14380. An act to authorize the construction of a bridge across Waccamaw River at Conway, in the State of South Carolina, by Conway and Seashore Railroad Company.

On June 1, 1902:

H. R. 11591. An act for the relief of Stanley & Patterson, and to authorize a pay director of the United States Navy to issue a duplicate pay check.

ABRAHAM LINCOLN.

Mr. McCLEARY. By direction of the Committee on the Library, I move that the rules be suspended and that the bill (S. 5269) to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln, late President of the United States, be passed.

The SPEAKER. The gentleman from Minnesota calls up the bill S. 5269, by direction of the Committee on the Library, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the chairman of the Committee on the Library of the Senate, the chairman of the Committee on the Library of the House of Representatives, the Secretary of State, and the Secretary of War be, and they are hereby, created a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln, late President of the United States.

SEC. 2. That the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act.

SEC. 3. That the said commission shall report the result of their action to Congress as soon as practicable after a decision has been reached.

Mr. CANNON. Mr. Speaker, I ask for a second, but I am willing that one should be considered as ordered.

Mr. McCLEARY. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. McCLEARY. Mr. Speaker, it seems almost unnecessary to present any argument in favor of this Senate bill. It is thirty-seven years since the spirit of Abraham Lincoln took its flight, and in the capital city of the nation there is no worthy memorial of his great life. The bill provides for a commission, to consist of the chairman of the Committee on the Library of the Senate, the chairman of the Committee on the Library of the House, the Secretary of State, and Secretary of War, to secure plans and a design for such a monument. There is no authority to do further than to secure these designs and submit them to the Congress for its approval or disapproval.

Mr. CLAYTON. Mr. Speaker, I have not read the bill, but I would like to inquire of the gentleman where it is proposed to erect this monument?

Mr. McCLEARY. In the city of Washington.

Mr. RICHARDSON of Tennessee. Does it provide that it shall be erected on a Government reservation or have we to purchase some location?

Mr. McCLEARY. That is not provided in the bill.

Mr. RICHARDSON of Tennessee. So far as I am concerned, I can see no objection.

Mr. McCLEARY. I will say to the gentleman that in all probability this memorial will be erected on a Government reservation.

Mr. RICHARDSON of Tennessee. I did not catch the names of the commissioners who were to select the plans. Will the gentleman read them?

Mr. McCLEARY. The commission is to consist of the chairman of the Committee on the Library of the Senate, the chairman of the Committee on the Library of the House, the Secretary of State, and the Secretary of War, and the authority granted the commission is simply to secure plans and a design.

Mr. CLAYTON. How much does the bill carry?

Mr. McCLEARY. Twenty-five thousand dollars.

Mr. SLAYDEN. Suppose that the four members of this commission divide equally, how can a design be chosen?

Mr. McCLEARY. These commissions usually consist of four members.

Mr. GAINES of Tennessee. Mr. Speaker, I desire to ask the gentleman from Minnesota [Mr. MCCLEARY] if it has been decided as to what inscription will be placed on this monument? If not, I suggest to gentlemen on the other side that Abraham Lincoln really believed in the Declaration of Independence, a fact which the gentlemen on the Republican side of this House have possibly forgotten.

Mr. CANNON. Mr. Speaker——

The SPEAKER. Does the gentleman from Minnesota yield to the gentleman from Illinois, or does the gentleman from Illinois take the floor in his own time?

Mr. CANNON. Either way; I do not care in whose time it is. I should be glad to ask the gentleman a question.

Mr. MCCLEARY. I yield to the gentleman.

Mr. CANNON. Has the gentleman any matter in his mind as to where this monument or memorial is to be located?

Mr. MCCLEARY. Nothing further than that it is to be located in the city of Washington.

Mr. CANNON. The reason I ask is that, in common with every other member of this House, I believe, I am in entire harmony with the erection of a memorial, in the city of Washington, to perpetuate the name and life of Abraham Lincoln, and I hope and believe that this memorial, when erected, will be a proper one. The sum of $25,000 is appropriated merely for plans. I judge from that that it is to be a proper monument. That amount expended in architects' fees in the erection of a building would indicate a total expenditure of half a million dollars. Now, I am not going talk about the expenditure. I am satisfied it will be what it should be, considering all the circumstances and the character of that man.

But I am a little desirous to ask my friend a question or two. We have had lately a lot of plans by a Commission known as the Parking Commission. The Senate of the United States begot upon itself a Commission, and has devoted from its contingent fund the sum of $50,000 to enable this Commission to fructify, and over here in the Library of Congress, without any authority of law, a cuckoo's egg, occupying one great side of the library, are models which show the work of this self-begotten child. How long these models are to stay there I do not know. Shown upon that model are splendid avenues, memorial bridges, and a great many other things. And, if I am not mistaken, down near the old Naval Observatory is a place reserved for a memorial to Abraham Lincoln. Am I correct?

Mr. MCCLEARY. I am not prepared to say that the gentleman is not correct, because that has nothing to do with this case.

Mr. CANNON. Well, yes and no. Let us see whether it has or not. I am not going, by my action, without at least a word of inquiry, to have the patriotic sentiment that abounds in 80,000,000 people used to put a monument where it ought not to be. Now, if I supposed that this memorial was to be builded down near the old Naval Observatory and used to make an argument in favor of building a memorial bridge, and that the memorial was to stand there through all time, right upon the bank of that river and close to the flats, where the monument itself would take fever and ague, let alone a living man, I should object. If this $25,000 is to be expended for plans, and the whole thing is to be worked out in connection with a site of that kind, then I should try to see if we could not apply some remedy. If, on the contrary, it is to work out plans that will fit a proper location, why then I am entirely content, and for that reason I have asked my friend these questions.

I notice that the Secretary of War, the Secretary of State, the chairmen of the Library Committees of the House and of the Senate make up the Commission. I am with my friend for a memorial. I am against anything—and I want to set this back fire now—I am against anything that will work out anybody's plans or anybody's schemes that will not place that memorial where all the people will and must see it when they come to Washington. Why, we used to have a statue erected as a memorial of Adjutant-General Rawlins down a little bit southwest of the War, State, and Navy building. It stood there, lonesome and silent, except as the occasional explorer—one in ten thousand—would inquire about it and hunt it up, until finally Congress directed that it be moved up to Eighth or Ninth street and Pennsylvania avenue, so it would not be lonesome.

Now, that is about all I wish to say about it. I wanted to say this much, without offending the feelings of anybody, and in view of this scheme, in view of the birth of this unnatural child, born not in lawful legislative wedlock, I wanted to say that much by way of protest against the action on the part of this Commission in failing to do its duty and giving us the location and its recommendation that ought to be had. [Applause.]

Mr. RICHARDSON of Tennessee. I would like to ask the gentleman from Illinois a question.

Mr. CANNON. Yes.

Mr. RICHARDSON of Tennessee. Is he in favor of this motion to suspend the rules and pass the resolution? I could not tell after listening to his speech.

Mr. CANNON. Am I in favor of it? Yes.

Mr. RICHARDSON of Tennessee. All right.

Mr. CANNON. I shall vote for it; but I wanted to say this much, and I hope my good friend in charge of this bill, the Representative from Minnesota, will say what he has to say if he thinks anything I have said has anything of injustice in it touching this Commission, and if he does not, then I shall vote for this bill; and, if I am spared when its report is made, I shall be at perfect freedom to contest the confirmation of that location, if, in my judgment, the contest ought to be made. But I take time by the forelock. Now, the question of the location of a monument means much to the monument itself. What would suit a monument in low ground would not suit a monument in high ground. What would suit it in a populous place, where the men, women, and children would see it almost daily, or where all the citizens would see it in a great city, would mean one thing; if one was hid away where one in ten thousand in a great city would not see the monument, that would be another thing. While I do not desire to be hypercritical, it seems to me apt that I should indulge in this much language about it.

Mr. MCCLEARY. Mr. Speaker, the gentleman from Illinois will appreciate the fact, of course, that even if this bill passes and "the gentleman from Minnesota" becomes one of the members of this commission, I would have no authority at this time to speak in such a way as to bind that commission. I can simply say this, in reply to the inquiries of my friend from Illinois, that this bill was introduced in the Senate by Senator CULLOM, and my understanding is that his purpose in introducing it was simply to get a proper memorial here to him whom all the people, North and South, of all parties, want to see thus honored. Now, if that commission makes a report that is not satisfactory to the House, the House has full recourse. At this time I can say only that this bill provides for a commission. I can not tell what the action of that commission will be.

Mr. RICHARDSON of Tennessee. Will the gentleman yield to me for a minute?

Mr. MCCLEARY. Certainly.

Mr. RICHARDSON of Tennessee. So far as I am concerned, Mr. Speaker, I believe that this resolution or some such resolution should pass; but I do submit that the form of the resolution is wrong. I do not believe that there is a gentleman on this side of the House who does not believe that the Government of the United States should erect a proper memorial to the memory of Abraham Lincoln; but I do not believe that the resolution should have been so framed as to provide a commission composed of four members of the majority party and no member of the minority party in this House or in the United States.

The memory of Abraham Lincoln belongs exclusively to no party. If it were possible for either party to claim that it specially honored him for his love of our country and its peculiar institutions, then at this period in our history that claim might be set up by this side of the House. But there is no politics in this measure, and there should be no politics. The commission should have been fairly divided between the two sides and the different parties. I trust there will be no objection, however, to the passage of the resolution. [Loud applause.]

Mr. MCCLEARY. In answer to the gentleman from Tennessee, and I appreciate the spirit in which the suggestion of the gentleman has been made, I would say that this commission is framed without any thought of politics. This is the first time that politics ever came into my mind in connection with it. It provides that the commission shall consist of the chairmen of the committees having this subject in charge, and the Secretary of War, who has general custody of the public grounds, and the Secretary of State to fill out the commission. There was absolutely no thought of politics in it. There is no one who believes for a moment that there is anybody on either side of the House who does not approve of the general proposition, and so far were we from all thought of politics that it never occurred to us that anybody would raise the question.

Mr. WILLIAMS of Mississippi. Yet it is true they will all be Republicans.

Mr. MCCLEARY. It is true, but it is simply because of their official stations. Mr. Speaker, in view of the suggestion of the gentleman from Tennessee, I ask unanimous consent that the bill be amended, and that he himself—the gentleman from Tennessee [Mr. RICHARDSON]—be added to this commission. [Loud general applause].

Mr. RICHARDSON of Tennessee. Mr. Speaker, I have a right to be heard on this matter.

The SPEAKER. The gentleman will suspend until the Chair puts the request. The gentleman from Minnesota asks unanimous consent that he be permitted to amend the bill so as to include the gentleman from Tennessee. Is there objection?

Mr. RICHARDSON of Tennesssee. Now, Mr. Speaker, I appreciate fully the motive which prompts the gentleman from Minnesota to make this request, prompted, as I believe he was, by the able gentleman from Illinois. I think in the main his request is a proper one, but I do not think he ought to have applied it to myself in view of what I have said on the floor. While I appreciate the distinguished honor which the gentleman wishes to confer upon me and the spirit in which his suggestion has been received by the House, I must decline and ask the gentleman to substitute the head of the minority of his committee, who is a member on this side of the House, as a member of that commission. I think that is fair and right.

Mr. McCLEARY. Mr. Speaker, in offering the suggestion I did I tried to carry out the spirit of my friend's remarks a moment ago, and he was selected because he is the leader of the Democratic side and, therefore, by reason of his official position, it was entirely proper. [Applause.] I trust that the gentleman's modesty may not be permitted to debar us from having his distinguished services upon that commission. [Applause.]

The SPEAKER. Is there objection to the request of the gentleman from Minnesota? [After a pause.] The Chair hears none, and it is so ordered. The question is on agreeing to the resolution as amended.

The question was taken; and in the opinion of the Chair, two-thirds having voted in favor thereof, the resolution as amended was agreed to.

SURVIVORS OF CERTAIN INDIAN WARS.

Mr. LOUDENSLAGER. Mr. Speaker, I move to suspend the rules and take up the bill (S. 640) to extend the provisions, limitations, and benefits of an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892, agree to the amendment recommended by the committee, and pass the bill.

The SPEAKER. The gentleman from New Jersey moves to suspend the rules, take up Senate bill 640, and that as amended it do pass.

The Clerk read the bill as amended, as follows:

Be it enacted, etc., That the provisions, limitations, and benefits of the act entitled "An act granting pensions to survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892, be, and the same are hereby, extended, from the date of the passage of this act, to the surviving officers and enlisted men, including marines, militia, and volunteers of the military and naval service of the United States who served for thirty days or more and were honorably discharged under the United States military, State, Territorial, or provisional authorities in the Florida and Georgia Seminole Indian war of 1817 and 1818; the Fevre River Indian war of Illinois of 1827; the Sac and Fox Indian war of 1831; the Sabine Indian disturbances of 1836 and 1837; the Cayuse Indian war of 1847 and 1848, on the Pacific coast; the Florida wars with the Seminole Indians from 1842 to 1858, inclusive; the Texas and New Mexico Indian war of 1849 to 1856; the California Indian disturbances of 1851 and 1852; the Utah Indian disturbances of 1850 to 1853, inclusive, and the Oregon and Washington Territory Indian wars from 1851 to 1856, inclusive; and also to include the surviving widows of such officers and enlisted men: *Provided*, That such widows have not remarried: *And provided further*, That where there is no record of enlistment or muster into the service of the United States in any of the wars mentioned in this act the record of pay by the United States shall be accepted as full and satisfactory proof of such enlistment and service: *And provided further*, That all contracts heretofore made between the beneficiaries under this act and pension attorneys and claim agents are hereby declared null and void.

Mr. WADSWORTH. Mr. Speaker, I would like to hear some explanation in regard to this bill, and therefore I demand a second.

Mr. LOUDENSLAGER. I ask, Mr. Speaker, that a second may be considered as ordered.

There was no objection.

Mr. LOUDENSLAGER. Mr. Speaker, this bill simply extends the benefits of the act of July 27, 1892, to the wars named in the act which follows the precedents of all the service-pension acts from the formation of this Government, including no wars where not less than forty years has passed since they closed.

This proposed legislation, if enacted into law, would follow the line of every precedent established since the war of the Revolution. That war covered a period from 1775 to April 11, 1783. The act which gave them a service pension, or rather a dependent service pension, was passed in 1818, and in 1832, forty-nine years after the close of the war, the first service-pension act was passed by this Government relating to the service of the Revolutionary war. The survivors of the wars of 1812 and the Indian wars and the Mexican war were all given service pensions by acts passed forty years after the close of these wars.

There are two or three wars mentioned in this measure which were considered to be pensioned by Congress when they passed the act of 1892, but they were excluded by virtue of the dates not covering that period.

Mr. WADSWORTH. Can the gentleman give any idea of the cost of this measure?

Mr. LOUDENSLAGER. The number of beneficiaries under the act as reported by the Commissioner of Pensions about two and one-half years ago was something like 7,600, and the term of expectancy was about seven and one-half years, and the total amount of the first payment was $730,000, or a total payment of about $5,000,000 for the whole period. That, by recent communication from the Pension Department, has been reduced to a total number now estimated of about 6,400, and the first payment on the bill would be about $100,000 less than the amount I have given. So that the total amount will be about a million dollars or a million and a half less than the amount estimated two and a half years ago.

Mr. CLAYTON. May I ask the gentleman a question?

Mr. LOUDENSLAGER. Certainly.

Mr. CLAYTON. I want to know if this bill comes from the gentleman's committee with a unanimous report?

Mr. LOUDENSLAGER. It does.

Mr. LESSLER. Did I understand the gentleman to say that the number of beneficiaries amounted to 67,000?

Mr. LOUDENSLAGER. I said 6,700.

Mr. LESSLER. These beneficiaries must be over 80 years old.

Mr. LOUDENSLAGER. I do not know. I know we have a number of pensioners of the war of 1812 and, I think, of the Revolutionary war.

Mr. SNODGRASS. Mr. Speaker, will the gentleman allow me an interruption?

Mr. LOUDENSLAGER. Certainly.

Mr. SNODGRASS. We have been furnished with measures for the increase of pensions of Federal soldiers and other wars occurring prior to that of 1860. Why is it that some provision has not been made for the Mexican soldiers? I know there are several bills pending before that committee, and I want to ask the gentleman if we can not expect within a few days, or at least before Congress adjourns, that the gentleman from that committee will report one of those bills to remove at least the restriction against the Mexican soldiers drawing $15 a month, which is the maximum service dependent pension now granted them by law.

I know several efforts have been made by various members of this House to secure a removal of some of those restrictions against the Mexican soldiers getting that maximum sum of $15 a month. I am satisfied if such a bill was reported it would be passed by this House almost unanimously. I want to ask the gentleman if his committee will not report one of those bills before this session closes?

Mr. LOUDENSLAGER. Of course, Mr. Speaker, I can not make any promises as to what that committee will do. According to the statements made, there are only a few of those people remaining whom the gentleman seeks to benefit. But I can say to him that a large amount of time of that committee has been consumed in this and the previous sessions in considering cases on the line that he has suggested. Most all of our time is taken up in the consideration of claims that come from that section of the country. And so pressed are we with those private matters urged by members that we hardly have time to consider other measures. I believe, however, that the committee will in the very near future take up the matter referred to and give it consideration.

Mr. SNODGRASS. May we not expect it during the life of this session?

Mr. LOUDENSLAGER. That I can not say, for I have not consulted with the committee in regard to it, and I do not desire to anticipate their action. I can say very frankly that we have arrived at that period of the session when it is very difficult to get the attendance of a quorum of the committee. By unanimous consent of the House I desire to publish the following résumé of service-pension legislation:

Mr. BELLAMY. Has the gentleman or the committee any estimate of the number of troops that were engaged in the various Indian wars?

Mr. LOUDENSLAGER. Mentioned in this bill?

Mr. BELLAMY. Yes, sir; and if so, what is the estimate of the annual appropriation that will be necessary to meet the pensions for those wars?

Mr. LOUDENSLAGER. I have made that statement once to the House.

Several MEMBERS. We did not hear it.

Mr. LOUDENSLAGER. It is in the report.

Mr. CLAYTON. It is very fully given there.

Mr. LOUDENSLAGER. I ask a vote on my motion.

The question being taken on the motion of Mr. LOUDENSLAGER to suspend the rules and pass the bill, with the amendments of the committee, the motion was agreed to, two-thirds voting in favor thereof.

Mr. LOUDENSLAGER. I ask unanimous consent that a statement, which I send to the desk, bearing upon the bill just passed, may be published in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

The statement is as follows:

Memoranda to accompany S. 640, extending the benefits of the Indian war service pension act of July 27, 1892.

The proposed legislation, if enacted into law, would simply follow a line of precedents begun after the war of the Revolution. That war covered the period from April 19, 1775, to April 11, 1783, and thirty-five years later, viz, March 18, 1818, what was practically a service-pension act, but with dependent features, was passed as follows:

"That every commissioned officer, noncommissioned officer, musician, and private soldier, and all officers in the hospital department, and medical staff, who served in the war of the Revolution until the end thereof, or for the term of nine months or longer at any period of the war, on the Continental establishment, and every commissioned officer, noncommissioned officer, mariner, or marine, who served at the same time, and for a like term in the naval service of the United States, who is yet a citizen of the United States, and who is or hereafter, by reason of his reduced circumstances in life, shall be in need of assistance from his country for support, and shall have substantiated his claim to a pension, shall receive a pension from the United States; if an officer, of $20 per month during life; if a noncommissioned officer, musician, mariner, marine, or private soldier, of $8 per month during life."

Fourteen years later, viz, June 7, 1832, the same being forty-nine years after the war of the Revolution closed, a purely service-pension act was passed granting pensions to all those who had not been provided for by the foregoing dependent service-pension act, as follows:

"Each of the surviving officers, noncommissioned officers, musicians, soldiers, and Indian spies who shall have served in the Continental Line or State troops, volunteers, or militia at one or more terms a period of two years during the war of the Revolution is authorized to receive the amount of his full pay in said line according to his rank, but not exceeding in any case the pay of a captain in the said line, such pay to commence on the 4th day of March, 1831, and shall continue during his natural life; and any such officer, noncommissioned officer, musician, or private, as aforesaid, who shall have served in the Continental Line, State troops, volunteers, or militia a term or terms in the whole less than the above period, but not less than six months, shall be authorized to receive during his natural life, each according to his term of service, an amount bearing such proportion to the annuity granted to the same rank for the service of two years as his term of service did to the term aforesaid, to commence from the 4th day of March, 1831.

"The officers, noncommissioned officers, mariners, or marines, who served for a like term during the Revolutionary war shall be entitled to the benefits of this act in the same manner as is provided for the officers and soldiers of the army of the Revolution."

By subsequent enactment the benefits of the act of June 7, 1832, were extended to invalid pensioners of the war of the Revolution as an additional allowance to that received for disabilities incurred in the service.

By enactments of 1836 and 1837 the benefits of the foregoing service-pension act of 1832 were extended to the widows of officers and men of the war of the Revolution if they were the wives of such officers and men during the period of their service, and by still later enactments the limitation as to date of marriage was extended, and finally, by act of July 29, 1848, removed entirely.

WAR OF 1812.

The next service-pension act to be passed by Congress related to the war of 1812. The period of that war was from June 18, 1812, to February 17, 1815, and fifty-six years later, viz, February 14, 1871, an act was passed (see sec. 4736, Rev. Stat.) providing that all officers and enlisted men who served sixty days in the Army or Navy of the United States in said war should receive a pension of $8 per month, if not otherwise pensioned at a similar or higher rate, and the provisions of this act were also extended to the widows of those who had died. Subsequently, by an act of March 9, 1878, the period of service necessary to give title was cut down to fourteen days.

MEXICAN WAR.

The Mexican war began April 24, 1846, and ended May 30, 1848, and in a little less than thirty-nine years thereafter the act of January 29, 1887, was passed, granting pensions for sixty days' service in said war. The rating fixed in that act was $8 per month for survivors and widows alike, but subsequently, under an act approved January 5, 1893, the rating was increased to $12 dollars per month for those survivors who were in destitute circumstances and unable to earn a support by manual labor.

WAR OF THE REBELLION.

This war covered the period from April 15, 1861, to May 9, 1865, and twenty-five years later, viz, June 27, 1890, an act was passed similar in its provisons to the Revolutionary dependent service-pension act of March 18, 1818, above referred to. The act of June 27, 1890, provided that honorable service for ninety days or more in the war of the rebellion should entitle a survivor to a pension, if disabled from causes not due to vicious habits, the pension to be rated from a minimum of six to a maximum of twelve dollars per month, according to the degree of disability, and widows were granted $8 per month, if in dependent circumstances and married the deceased soldier or sailor prior to the passage of the act.

INDIAN WARS FROM 1832 TO 1842, INCLUSIVE.

By an act of July 27, 1892, thirty days of honorable service in the Black Hawk war, the Creek war, the Cherokee disturbances, and the Florida war with the Seminole Indians, embracing the period from 1832 to 1842, inclusive, entitled a survivor to a pension of $8 per month and the same rate to the widows of those who had died, and the proposition contained in this bill is to extend the benefits of this act to all recognized Indian wars in which the United States was engaged prior to the civil war; and as the last of these wars occurred in 1856, the period of time since they closed is now about forty-six years.

STATE, TERRITORIAL, AND PROVISIONAL TROOPS.

In respect of the classes of soldiers to be benefited there is a departure in this bill from the usual provisions contained in recent service-pension laws in that, in addition to those beneficiaries who served for thirty days or more in the service of the United States, those who served under State, Territorial, or provisional authorities are provided for. This feature of the act is safeguarded, however, by the proviso that where there is no record of enlistment or muster into service of the United States in any of the wars mentioned in the act, the recognition of the service by the United States by the payment by the National Government for the service rendered shall be accepted.

This provision is made because many of the veterans benefited by the bill, particularly those of Washington and Oregon, were emergency men, and were called into the service as the exigency arose, there frequently not being time, with the slow and meager methods of communication of those times, for a United States mustering officer to reach the locality where hostilities were under way, and the conditions were entirely different from any now likely to arise in any part of the country. It is argued, and with good reason, that the recognition of the services of these veterans by the Government in paying for their services is a sufficient recognition of the fact that they were in the service of the United States, and, as stated above, the act provides a safeguard against the possibility of granting pensions to purely State militiamen, whose services are not a matter of governmental record and were not recognized by the Government with pay.

Mr. LOUDENSLAGER. I ask unanimous consent that all members desiring the privilege may have permission to print remarks in the RECORD on the bill just passed.

A MEMBER. For how many days?

Mr. LOUDENSLAGER. For five days.

The SPEAKER. Is there objection?

Objection was made.

MONUMENT TO GEN. HUGH MERCER.

Mr. WOOTEN. I move to suspend the rules and pass, with the amendment reported by the Committee on the Library, the bill (H. R. 10933) to provide for the erection, at Fredericksburg, Va., of the monumant to the memory of Gen. Hugh Mercer, which it was ordered by Congress on the 8th day of April, 1777, should be erected.

The bill as amended by the Committee on the Library was read, as follows:

Whereas the Congress of the United States, on the 8th day of April, 1777, agreed to the erection of a monument to the memory of Gen. Hugh Mercer, at Fredericksburg, in the State of Virginia, and prescribed an inscription to be placed thereon; and

Whereas up to this time nothing has been done toward carrying into effect the action then taken: Therefore,

Be it enacted, etc., That the sum of $25,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the erection, at Fredericksburg, in the State of Virginia, of a monument to the memory of Gen. Hugh Mercer, upon which shall be inscribed these words: "Sacred to the memory of Hugh Mercer, brigadier-general in the Army of the United States. He died on the 12th of January, 1777, of the wounds he received on the 3d of the same month, near Princeton, in New Jersey, bravely defending the liberties of America. The Congress of the United States, in testimony of his virtue and their gratitude, have caused this monument to be erected;" which said sum shall be expended under the direction of the Secretary of War, or such officer as he may designate, and in such sums as the work may require from time to time: *Provided*, That the city of Fredericksburg, or the citizens thereof, shall cede and convey to the United States such suitable site as may, in the judgment of the Secretary of War, be required for said monument.

The question being taken on the motion of Mr. WOOTEN, it was agreed to (two-thirds voting in favor thereof); and the bill, with the amendment reported by the Committee on the Library, was passed.

TRANSPORTATION OF GOVERNMENT SUPPLIES TO THE PHILIPPINES.

Mr. STEVENS of Minnesota. Mr. Speaker, I move to suspend the rules and pass, with the amendment reported by the Committee on Military Affairs, the bill (H. R. 14441) to authorize the Secretary of War, in his discretion, to favor American-built ships in the transportion of Government supplies to the Philippines across the Pacific Ocean.

The bill as amended was read, as follows:

Be it enacted, etc., That the Secretary of War is authorized, in his discretion, to accept the lowest and most suitable bid offered, after inviting competition as required by law, for transporting Government supplies, when necessary, across the Pacific Ocean to and from the Philippines in American-built ships when ships owned by the Government are not available: *Provided*, That such bid does not exceed by 10 per cent the lowest bid offered for transporting such supplies in foreign-built ships.

Mr. CLAYTON. I demand a second.

Mr. STEVENS of Minnesota. I ask unanimous consent that a second be considered as ordered.

Several members objected.

The CHAIRMAN. The gentleman from Alabama [Mr. CLAYTON] and the gentleman from Minnesota [Mr. STEVENS] will take their place as tellers.

The House divided; and the tellers reported—ayes 77, noes none.

Mr. RICHARDSON of Tennessee. I make the point of order that there is no quorum present.

The SPEAKER (having counted the House). There are 129 members present—not a quorum.

Mr. UNDERWOOD. I move that the House adjourn.

The question being taken, there were on a division (called for by Mr. UNDERWOOD)—ayes 41, noes 81.

Mr. UNDERWOOD. I call for the yeas and nays on the motion to adjourn.

The yeas and nays were not ordered, only 19 voting in favor thereof.

So the motion to adjourn was rejected.

The SPEAKER. There being no quorum present, the Doorkeeper will close the doors and the Sergeant-at-Arms will bring in absent members to answer to their names. The question is on seconding the motion to suspend the rules and pass the bill.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I make the point of order that the rule requires that the seconding of a motion to suspend the rules must be by tellers. There is no provision in the rule for calling yeas and nays on seconding a motion to suspend the rules. On the contrary, the rule expressly provides that the vote shall be taken by tellers.

Now, it seems to me the Chair can only count by tellers to

ascertain whether the House will second the motion to suspend the rules. I do not know where the authority comes from to call the yeas and nays on such a question.

The SPEAKER. Tellers were duly ordered in this case. The Chair admits that the question raised by the gentleman from Tennessee is not without difficulty. But a rule of the House requires that when a quorum fails to appear the doors shall be closed and members brought in. On another occasion the Chair held that that rule would apply in a case of this kind. Therefore the Chair overrules the point of order.

The question was taken; and there were—yeas 106, nays 66, answered "present" 12, not voting 167; as follows:

YEAS—106.

Alexander,	Dayton,	Kahn,	Powers, Me.
Allen, Me.	Deemer,	Ketcham,	Ray, N. Y.
Barney,	Dick,	Knapp,	Reeder,
Bartholdt,	Dovener,	Kyle,	Reeves,
Bishop,	Draper,	Lacey,	Roberts,
Boutell,	Driscoll,	Lawrence,	Rumple,
Bowersock,	Eddy,	Lessler,	Sherman,
Brick,	Emerson,	Lewis, Pa.	Showalter,
Bristow,	Evans,	Long,	Sibley,
Bromwell,	Fletcher,	Loud,	Smith, Ill.
Brown,	Foerderer,	Loudenslager,	Southard,
Burk, Pa.	Gibson,	McCleary,	Sperry,
Burke, S. Dak.	Gillet, N. Y.	McLachlan,	Steele,
Burkett,	Graff,	Martin,	Stevens, Minn.
Burton,	Grosvenor,	Mercer,	Stewart, N. J.
Calderhead,	Grow,	Metcalf,	Stewart, N. Y.
Cannon,	Hamilton,	Minor,	Sutherland,
Capron,	Haugen,	Moody, Oreg.	Tawney,
Cassel,	Hedge,	Morris,	Thomas, Iowa
Conner,	Henry, Conn.	Needham,	Tongue,
Cousins,	Hill,	Norton,	Van Voorhis,
Cromer,	Hitt,	Olmsted,	Vreeland,
Crumpacker,	Hopkins,	Overstreet,	Warnock,
Currier,	Hull,	Palmer,	Watson,
Cushman,	Irwin,	Patterson, Pa.	Woods.
Dalzell,	Jones, Wash.	Payne,	
Darragh,	Joy,	Perkins,	

NAYS—66.

Ball, Tex.	Green, Pa.	Miers, Ind.	Slayden,
Bartlett,	Griffith,	Moon,	Small,
Bell,	Griggs,	Neville,	Snodgrass,
Bellamy,	Hay,	Randell, Tex.	Snook,
Brantley,	Hooker,	Ransdell, La.	Spight,
Breazeale,	Howard,	Richardson, Ala.	Stark,
Brundidge,	Jackson, Kans.	Richardson, Tenn.	Stephens, Tex.
Burnett,	Kitchin, Claude	Rixey,	Thomas, N. C.
Candler,	Kitchin, Wm. W.	Robb,	Thompson,
Cassingham,	Kleberg,	Robinson, Ind.	Underwood,
Clayton,	Lanham,	Rucker,	Vandiver,
Cochran,	Little,	Ruppert,	Wiley,
Cowherd,	McCulloch,	Ryan,	Williams, Miss.
De Armond,	McRae,	Shackleford,	Wooten,
Edwards,	Maddox,	Shafroth,	Zenor.
Fleming,	Meyer, La.	Shallenberger,	
Gaines, Tenn.	Mickey,	Sims,	

ANSWERED "PRESENT"—12.

Benton,	Foss,	Landis,	Padgett,
Bowie,	Gillett, Mass.	McClellan,	Pierce,
Fitzgerald,	Johnson,	Mann,	Tate.

NOT VOTING—167.

Acheson,	Douglas,	Knox,	Robertson, La.
Adams,	Elliott,	Lamb,	Robinson, Nebr.
Adamson,	Esch,	Lassiter,	Russell,
Allen, Ky.	Feely,	Latimer,	Scarborough,
Aplin,	Finley,	Lester,	Schirm,
Babcock,	Flood,	Lever,	Scott,
Ball, Del.	Fordney,	Lewis, Ga.	Selby,
Bankhead,	Foster, Ill.	Lindsay,	Shattuc,
Bates,	Foster, Vt.	Littauer,	Shelden,
Beidler,	Fowler,	Littlefield,	Sheppard,
Belmont,	Fox,	Livingston,	Skiles,
Bingham,	Gaines, W. Va.	Lloyd,	Smith, Iowa
Blackburn,	Gardner, Mich.	Lovering,	Smith, Ky.
Blakeney,	Gardner, N. J.	McAndrews,	Smith, H. C.
Boreing,	Gilbert,	McCall,	Smith, S. W.
Broussard,	Gill,	McDermott,	Smith, Wm. Alden
Brownlow,	Glenn,	McLain,	Southwick,
Bull,	Goldfogle,	Mahon,	Sparkman,
Burgess,	Gooch,	Mahoney,	Storm,
Burleigh,	Gordon,	Marshall,	Sulloway,
Burleson,	Graham,	Maynard,	Sulzer,
Butler, Mo.	Greene, Mass.	Miller,	Swanson,
Butler, Pa.	Hall,	Mondell,	Talbert,
Caldwell,	Hanbury,	Moody, N. C.	Tayler, Ohio
Clark,	Haskins,	Morgan,	Taylor, Ala.
Connell,	Heatwole,	Morrell,	Thayer,
Conry,	Hemenway,	Moss,	Tirrell,
Coombs,	Henry, Miss.	Mudd,	Tompkins, N. Y.
Cooney,	Henry, Tex.	Mutchler,	Tompkins, Ohio
Cooper, Tex.	Hepburn,	Naphen,	Trimble,
Cooper, Wis.	Hildebrant,	Nevin,	Wachter,
Corliss,	Holliday,	Newlands,	Wadsworth,
Creamer,	Howell,	Otjen,	Wanger,
Crowley,	Hughes,	Parker,	Warner,
Curtis,	Jack,	Patterson, Tenn.	Weeks.
Dahle,	Jackson, Md.	Pearre,	Wheeler,
Davey, La.	Jenkins,	Pou,	White,
Davidson,	Jett,	Powers, Mass.	Williams, Ill.
Davis, Fla.	Jones, Va.	Prince,	Wilson,
De Graffenreid,	Kehoe,	Pugsley,	Wright,
Dinsmore,	Kern,	Reid,	Young.
Dougherty,	Kluttz,	Rhea, Va.	

So a second was ordered.

The Clerk announced the following additional pairs:

For the day:

Mr. JENKINS with Mr. DE GRAFFENREID.

Mr. OTJEN with Mr. HENRY of Mississippi.

Mr. HEMENWAY with Mr. WHITE.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the present adoption of the following resolution, which I will send to the Clerk's desk and ask to have read.

The SPEAKER. If there is no objection, the Clerk will report the resolution.

Mr. RICHARDSON of Tennessee. Reserving the right to object, Mr. Speaker, I have no objection to the resolution being read.

The Clerk read as follows:

Resolved, That at 5 o'clock p. m. Tuesday, June 17, and Wednesday, June 18, the House take a recess until 8 o'clock p. m. and then remain in session not later than 10.30 o'clock p. m., at which sessions it shall be in order to consider bills reported from the Committee on Indian Affairs, and no other business shall be in order during such sessions.

Mr. WILLIAMS of Mississippi. Mr. Speaker, that will conflict with other business. Any request for a night session to consider nothing but Indian bills would conflict with another matter. I understand there will be a night session for debate on the Philippine bill.

Mr. SHERMAN. This does not interfere with that. This is before that takes effect.

Mr. WILLIAMS of Mississippi. I have no objection.

Mr. CLAYTON. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Alabama demands the regular order. A second having been ordered, the Chair recognizes the gentleman from Minnesota [Mr. STEVENS].

Mr. STEVENS of Minnesota. Mr. Speaker, this bill hardly merits the importance given to it by the gentleman on the other side of the House. It provides, in substance, that the supplies of the War Department may be, in the discretion of the Secretary of War, transported from the United States to the Philippine Islands in vessels built in this country, after the Government shall have exhausted its supply of available ships belonging to it. The bill provides that the Government shall first use all of its available transport service for carrying supplies of the War Department to the Philippines; that after that the Secretary, in his discretion, may use vessels built in this country, providing the rates for such service shall not exceed 10 per cent above the amount that is charged by foreign vessels for similar service.

Under the provisions of the statute passed by this Congress in March of this year, the navigation laws of this country will be extended to the Philippines on the 1st day of July, 1904. After that date all navigation between the United States and the Philippines must be in American vessels, so that at the most this bill would be available but two years. There is always a certain amount of Government supplies that must be transported in private vessels. Much of the supplies—in fact, the great bulk of the supplies—is carried in Government transports, but for reasons of safety the War Department has found it necessary to carry supplies, like munitions of war, hay, forage, and supplies of that sort, in private vessels, on account of danger to life that there would be if they were carried in troop transports, so that there is always a small amount of tonnage necessary to carry these supplies to the Philippines.

The statement before the Committee on Military Affairs was to the effect that next year the War Department estimated that about 70,000 tons will be carried in private vessels. Heretofore quite a large amount has been carried in private vessels. After this most of the supplies will be carried in Government vessels. There are 14 transports now available, and probably 70 per cent of the great bulk of supplies will be carried in these transports; but this small amount, probably about 70,000 tons, must be carried in private vessels. The Quartermaster-General reports that at present freight rates are available on the Pacific at $4.50 a ton, from Puget Sound to the Philippines. If this 10 per cent additional be necessary, which may not be necessary to use as a discrimination in favor of American vessels in case there be competition of American ships, there would then be a maximum of about 50 cents per ton discrimination on about 70,000 tons a year for two years.

Mr. RICHARDSON of Tennessee. Mr. Speaker, will the gentleman permit a question?

The SPEAKER. Does the gentleman yield?

Mr. STEVENS of Minnesota. Yes.

Mr. RICHARDSON of Tennessee. Is it not true that the Quartermaster-General declined to recommend the passage of this bill?

Mr. STEVENS of Minnesota. He did not make any recommendation one way or the other.

Mr. RICHARDSON of Tennessee. Did he not in writing decline to recommend it?

Mr. STEVENS of Minnesota. The Quartermaster-General in his report stated specifically that he declined to make any recommendation because it was a matter of public policy not in his

province, but the Secretary of War strongly recommended the passage of the bill.

Mr. CLAYTON. May I ask the gentleman a question?

Mr. STEVENS of Minnesota. Certainly.

Mr. CLAYTON. Is the passage of this bill necessary in order to increase the efficiency of the public service?

Mr. STEVENS of Minnesota. Yes; I think it is. I was just coming to that.

Mr. CLAYTON. Will you explain how it is that a proposition simply to give American ships 10 per cent more for doing the same service than foreign-built ships would receive can increase the efficiency of the public service?

Mr. STEVENS of Minnesota. I shall be very glad to explain that if the gentleman will give me my own time. The reasons why this bill will increase the facilities, it seems to me, are as follows: Within the last year there have been quite a number of ships constructed in this country that are available for service between the Pacific coast and the Philippines. At the present time there is no regular line of communication by private vessels between the Pacific coast and the Philippines. There are two or three lines which have informed the committee that with this slight encouragement they would start direct lines of communication between the United States and the Philippines, preparing for the extension of our navigation laws two years hence. After that time there will certainly be these direct lines.

Mr. CLAYTON. May I ask the gentleman——

Mr. STEVENS of Minnesota. Just one moment more. In the meantime, during these two years, these gentlemen are willing to take their chances and send their ships directly from the United States to the Philippines, providing they have some encouragement like this. There will be a probable loss, but it will give direct service for passengers and mails and freight, and direct service is always an advantage to the Government as well as to private interests.

Mr. CLAYTON. May I ask the gentleman a question now?

Mr. STEVENS of Minnesota. Certainly.

Mr. CLAYTON. Is not this, then, after all your explanation, simply a homeopathic dose of the ship subsidy?

Mr. STEVENS of Minnesota. Now, I will answer that. As the gentleman knows, I am not in favor of the bill before the Committee on Merchant Marine and Fisheries, but I am in favor of this bill because we know it certainly will accomplish something, and it directly causes the establishment of from one to three lines of communication between the United States and the Philippines right away, and gives this Government an opportunity to send its freights, passengers, and mails more quickly and more cheaply than would otherwise be the case. It may or may not cost the Government anything, because the competition of the several lines will furnish a supply of steam and sailing vessels adequate to supply all the necessities of the Government.

Mr. CLAYTON. May I ask the gentleman another question?

Mr. SLAYDEN. Mr. Speaker——

The SPEAKER. Does the gentleman yield to the gentleman from Texas [Mr. SLAYDEN] who addressed the Chair?

Mr. STEVENS of Minnesota. I would like to yield to my colleague on the committee, the gentleman from Texas.

Mr. SLAYDEN. I would like to ask my friend if this is not directly in the interest of one steamship line, the boats of which are now being built?

Mr. STEVENS of Minnesota. I would say that I do not think it is. There are at least three lines which have informed us that they can have ships available for this service; and I will state that much of the freight that would be sent under the provisions of this act would be sent by sailing vessels. I refer to such freight as forage and lumber and heavy material of that kind, which would not use steamship lines at all.

Mr. SLAYDEN. Were you not told that it was for the benefit of certain American lines to operate between Seattle and the Philippines and the Orient?

Mr. STEVENS of Minnesota. The committee was informed——

Mr. SLAYDEN. Now, if that is true, does the gentleman believe that these people are going to abandon the project of running a line of steamers across the Pacific if this bill should fail to pass?

Mr. STEVENS of Minnesota. I will answer the gentleman frankly. There were two large steamships built in Baltimore recently. One has already been completed and the other is not yet launched, as I understand. These ships were designed as tramp steamers. A concern known as the Boston Steamship Company conceived the idea of an Asiatic line from Puget Sound, and either hired or purchased or acquired these vessels, and propose to start a line. Whether or not it will be extended to the Philippines depends on whether or not it will be profitable.

Part of the consideration for the starting of these lines will depend on whether they can get any considerable amount of Government business. Now, it seemed to the Committee on Military Affairs and to the Committee on the Merchant Marine that it would be a benefit to this country, that it would be a benefit to the Government service, to have that line from Puget Sound, to have another line from San Francisco, and to have another line from New York directly to the Philippines; and they all three will probably be started with encouragement like this.

Mr. CLAYTON. Now, Mr. Speaker, may I ask the gentleman a question?

The SPEAKER. Does the gentleman yield to the gentleman from Alabama?

Mr. STEVENS of Minnesota. Certainly.

Mr. CLAYTON. Then, I understand from all of your statements that foreign-built ships can now be had to carry this hay and lumber that you speak of—notwithstanding the enterprise of of the gentleman from Iowa [Mr. Hull] in the lumber business over there—that ships can be had there that will carry this freight that you speak of without giving this extra 10 per cent to American ships?

Mr. STEVENS of Minnesota. There are always some ships available for business in every part of the world, but I will state to the gentleman that if this bill is passed the amount of discrimination provided in this bill may or may not be required. Not a cent of it may be required under the circumstances if sufficient competition be had, and from reports of the Quartermaster-General and Commissioner of Navigation such supply of vessels will be available. On the other hand, it may be possible that this 10 per cent in the maximum may be required.

Mr. CLAYTON. I hope the gentleman will be entirely frank, as he seems to be.

Mr. STEVENS of Minnesota. I think I have been.

Mr. CLAYTON. Then the proposition would be to pay American ships 10 per cent more for the same service than we could get foreign ships to do that service for.

Mr. STEVENS of Minnesota. I am frank to say I am willing if necessary——

Mr. CLAYTON. I am not discussing that. I am simply stating a question of fact.

Mr. STEVENS of Minnesota. Let me complete my answer to the gentleman. I am willing, if necessary for the purpose of establishing a direct line of communication between our country and the Philippines, during the next two years, to pay an additional 10 per cent. It may or may not be necessary after that. The gentleman should know that a line of communication between the United States and the Philippine Islands must be established; that foreign vessels could not afford it, since they could continue in business only two years, and that precludes any direct service except under our flag, and it strikes the committee, under the circumstances, that it would be an advantage to have this line commence right now, and we can well afford, if necessary, to give $35,000 this year for that purpose.

Mr. CLAYTON. And this is a proposition to pay $35,000 for the privilege of letting it go in American ships.

Mr. STEVENS of Minnesota. At the maximum. It may not cost a cent. It may cost $35,000 a year for two years.

Mr. CLAYTON. Do you not think that it would be better to save that $35,000 for the taxpayers rather than give it to the shipowners?

Mr. STEVENS of Minnesota. My impression is if we could have our ships employed between the United States and the Philippine Islands for the purpose of carrying our mail, passengers, and freight it is well worth $35,000 a year.

Mr. CLAYTON. I do not agree with the gentleman.

Mr. STEVENS of Minnesota. I reserve the balance of my time.

Mr. COCHRAN. Would not the passage of this bill serve notice on the foreign shipowners that in competition with the American ship henceforth they must expect to have 10 per cent added on the bid made by the American ships?

Mr. STEVENS of Minnesota. I do not think it would make any difference with the bids of any foreign ships; whenever it would pay the foreign ships would do the business, if their bids be 11 per cent less than bids of American ships.

Mr. COCHRAN. Does not the gentleman think the American ship would get the 10 per cent more in the bidding?

Mr. STEVENS of Minnesota. I think this would be the effect: The foreign ships only would bid that much less, and we would get our freight at that much less rate; so that in the end it would not cost the Government one single cent more, and possibly less, by the passage of this act.

Mr. COCHRAN. Would not they retire the foreign ships?

Mr. STEVENS of Minnesota. Not at all. It would just have the contrary effect of reducing freight. The quantity of ships, domestic and foreign, is ample for all sorts of competition.

Mr. COCHRAN. Then this is to get reduced rates instead of increasing them.

The SPEAKER. Does the gentleman yield to the gentleman from Ohio?

Mr. STEVENS of Minnesota. Certainly.

Mr. BROMWELL. I would like to ask the gentleman from Minnesota how this proposed subsidy—because that is what it amounts to—is compared to the ship-subsidy bill.

Mr. STEVENS of Minnesota. Mr. Speaker, this hardly amounts to the dignity of a name. It appears from a communication received from the Quartermaster-General that he can get freight at $4.50 a ton. Ten per cent of that would be 45 cents a ton.

Mr. BROMWELL. How does that compare with the ship-subsidy bill?

Mr. STEVENS of Minnesota. It might average about 10 per cent.

Mr. BROMWELL. Then would it not be better for these people to wait until we pass the ship-subsidy bill and give them the benefit of the ship subsidy?

Mr. STEVENS of Minnesota. They would be perfectly willing to take whatever assistance they can get out of this bill and at once commence their direct service.

Mr. ROBINSON of Indiana. I would like to ask the gentleman whether these ships are to be manned by American labor.

Mr. STEVENS of Minnesota. Certainly; under an American register the warrant officers must all be American citizens.

Mr. ROBINSON of Indiana. How about the seamen? That was the point of my inquiry.

Mr. STEVENS of Minnesota. There is no law providing as to them unless they come in under the term "officers."

Mr. COCHRAN. Then, in fact, the seamen will be Chinamen.

Mr. STEVENS of Minnesota. I desire to reserve the balance of my time.

The SPEAKER. Does the gentleman from Alabama desire to be recognized in his own right?

Mr. CLAYTON. I do. I yield now to the gentleman from Texas five minutes.

Mr. SLAYDEN. Mr. Speaker, it is very unpleasant to me to see so good a man as the gentleman from Minnesota supporting so vicious a bill. The only merit of this proposition is the fact that the gentleman from Minnesota is supporting it. It is nothing but another form of the ship-subsidy bill. It is a plain, frank proposition to take money out of the Treasury of the United States and vote it into the treasure box of private shipowners.

Now, Mr. Speaker, I am in favor of the citizens of this country doing business. I am opposed to the theory of having the Government doing business that its citizens can do. I am as much opposed to the Government conducting a shipping business as to the Government conducting the business of laying cables and owning telegraph lines.

As soon as it can be done in the interest of economy and not impair the efficiency of the service I shall favor the sale of all Government transports and favor reliance upon private shipping for the transportation of military stores.

I would give the citizens all the freedom possible in the development of commercial enterprises. But I am not in favor and I can not support any measure which undertakes to do in a single instance what the majority of this Congress has not the courage to do wholesale. The ship-subsidy bill has not been brought in here for consideration in this House and probably will not be brought in, but this is exactly the same principle, a direct application to a few individual owners of the theory of the Hanna-Payne bill.

Now, this bill provides:

That the Secretary of War is authorized, in his discretion, to accept the lowest and most suitable bid offered, after inviting competition as required by law, for transporting Government supplies, when necessary, across the Pacific Ocean to and from the Philippines in American-built ships when ships owned by the Government are not available.

Now, without desiring to cast any reflection at all upon the Secretary of War or the officials of the War Department, with all of whom my relations are pleasant and cordial and for whom I have the most profound respect, I desire to say that in my judgment this leaves with these gentlemen a dangerous power. Somebody will be called upon to pass upon the question of availability, and I apprehend that when there is a powerful corporation, able to contribute and perhaps willing to contribute to the campaign fund, able and willing to promote the interests of any Administration, I do not care what it may be or who are its officers, the officers who are to determine the question of availability will not have so clear a vision of what constitutes availability as they might have.

This is admitted to be for the interests of lines already established or lines for which steamers are now being constructed, and I can not persuade myself that any corporation now operating steamships or owning steamships plying the Pacific Ocean will abandon them if this bill fails to pass. I believe it is an unjust and improper tax, and I believe it should not and can not pass this House.

Mr. CLAYTON. Mr. Speaker, it is not necessary to make any long argument for or against this bill, but a simple statement of the facts puts the whole matter before the House, so that those who favor it and those who oppose it can readily understand the measure. It is represented that in certain cases the Government requires the services of vessels belonging to private persons for transporting certain provisions and supplies, such as hay and the like to the Philippine Islands, the Government transports not being suitable or not being wholly adequate for that purpose.

That is one fact. The next fact is that the extra vessels required for this service can be had under existing law at reasonable rates and without the passage of this bill. I believe the report shows what that rate is and will continue to be. The other material fact in this case is that after bids shall have been received by the Secretary of War from the owners of these private vessels for the performance of this extra service—that is, service that it is impossible or inexpedient for the Government transports to perform—then the Secretary of War is authorized not merely to give the preference in awarding the contract to the American-built vessels, but he is authorized to pay them 10 per cent more for the same service than foreign-built vessels shall have bid.

Ten per cent more than the American vessel, perhaps, is paid now for doing that work. I have stated the proposition. You can not differentiate it from a bounty or subsidy. Your can not differentiate it from a gratuity to an American vessel for doing the same work that can now be done, and that can be done in the future, without the payment of this extra 10 per cent.

The gentleman said this prepares the way for an American line. Mr. Speaker, this prepares the way for the ship-subsidy bill. It is a ship-subsidy bill. This is the beginning of ship subsidies. This is the first bill on that line, and any man who votes for this proposition might as well, in my judgment, go the whole way and vote for the Hanna-Payne ship-subsidy bill when it comes before this House.

The principle underlying them is the same, and the one can not be distinguished in principle from the other. I hope that gentlemen on this side who believe in paying out the public money for public purposes only and not for the enhancement of private enterprises will vote down this proposition. I repeat, Mr. Speaker, that this is a homeopathic dose of ship subsidy. Let the $35,000 per annum, with probable increase, be saved to the people's Treasury. I now yield five minutes to my colleague, Mr. UNDERWOOD.

Mr. UNDERWOOD. Mr. Speaker, I see from the report of the committee that in the fiscal year 1901 there was transported from the United States to the Philippine Islands in United States Government vessels 80,000 tons, in United States private vessels 27,000 tons, and in foreign vessels 192,000 tons.

Now, in 1901 we paid for transporting the freight to the Philippine Islands $3,570,447 to foreign vessels. That to private vessels of the United States we paid $1,350,000. Now, I do not know how much more freight is to be carried next year than was carried last year, or how much less freight; but if this bill had applied to the transportation of goods from this country to the Philippine Islands for the year 1901, and by this means we had foreign vessels out of competition, or had simply let them carry the freight they carried at that time and saved the 10 per cent additional to private vessels of the United States instead of the amount of $34,000, as suggested by the gentleman in charge of this bill, the private vessels of the United States would have received under this bill for that year $100,000 more for the freight they carried than they actually received; because it is needless to say that when you have had foreign vessels actually carrying at least two-thirds of the trade and American vessels carrying only one-third, competition in the years past has regulated the freight rate, and that is the basis on which the freight is being carried to-day. But whenever you say that 10 per cent more shall be received by American vessels than by foreign vessels, then as to that proportion of the freight the American ship is carrying it will receive the additional 10 per cent, because every shipowner knows the profit at which he can afford to carry freight and at which his rival can afford it, and necessarily if he is to receive a bonus so far as concerns the freight he can carry he will bid 9 or nearly 10 per cent more than he thinks his competitor can carry for, and then the competitor will have only the surplus freight.

That is all there is in this matter. This is not a bill to provide ships for carrying this material, because during the height of the late war, when we were rushing troops to the front, when we demanded every ship that we could get to carry our supplies and troops, we got them. The exigencies of the occasion do not require more vessels to-day than they did then.

What, then, is the result? The only result is that you propose by this legislation to say that you will pay the shipowner for carrying freight to the Philippine Islands 10 per cent more next year than you paid last year.

Why should you do so? Is there any good reason why the American shipowner should receive more for carrying freight next year than he did last year? He carried it last year; he competed last year with the foreign ships; and he carried so much of

our merchandise to the Philippine Islands as the profit of the trade justified him in carrying. Of course he will carry next year, if you leave the situation alone, just such amount of the freight as the profit of the business will justify him in carrying, and no more.

Now, if this is a bill to build up shipping on the Pacific coast, why does not the gentleman from Minnesota say so? But you can not build up shipping in a day. If that is the purpose, is this measure going to stay on the statute books for all time? It seems so from the way the bill is drafted. From now until the dawn of eternity are we to go on paying to American shipowners 10 per cent more than the amount they would receive in the natural and orderly course of business? There is no reason for it. Those ships are thriving or they would not be in business; and if the business justifies it there will be other ships built to continue and take up this business. If the business does not justify it——

[Here the hammer fell.]

Mr. CLAYTON. Mr. Speaker, how much time have I remaining?

The SPEAKER. Nine minutes.

Mr. CLAYTON. I yield two minutes to the gentleman from Tennessee [Mr. SNODGRASS].

Mr. SNODGRASS. Mr. Speaker, of course two minutes are altogether inadequate for the expression of my opinions upon this bill. I believe it is a ship-subsidy bill on a small scale. If we can pass a bill of this kind, I do not think there is any limitation whatever upon the expenditure of the public money. This is a proposition simply to take money derived from taxation of the whole people and bestow it as a gratuity upon a certain shipping class. If that can be done, there is no limitation upon the expenditure of the public money at all. That is all I have to say about the question. I shall take great pleasure in voting against this bill.

Mr. CLAYTON. I yield four minutes to the gentleman from Missouri [Mr. COCHRAN.]

Mr. COCHRAN. Mr. Speaker, not one of us but has considered the vast sum paid by our people to foreign shipowners and the figure this item cuts in the balance of trade between the United States and the Old World. Mere casual consideration of these figures must lead to the conclusion that American ownership of ships is far more important than the country in which ships may be constructed.

To have our shipping owned in the United States, so that all the profit growing out of the traffic between our country and other countries would inure to Americans, would have a tendency to rectify the adverse balance of trade which, first and last, has been quite inconvenient.

I suppose, also, we have heard all the argument made—and it has great force—that with a large merchant marine, we would have constantly in training the seamen necessary to meet any emergency in manning our war ships. Nobody can deny that this argument has great force. Nothing in any plan to subsidize ships, thus far brought forward, has had any reference to either of these propositions. At this time, when the Congress has under consideration a bill to subsidize American ships, that prince of the household of the "captains of industry," J. Pierpont Morgan, is spending most of his time in Europe for the purpose of effecting a consolidation of shipping interests, foreign and domestic, so that foreign capitalists may participate in the benefits of such a measure.

Whenever the question arises in such a way as to affect labor—American labor—objection is made. We find gentlemen on this floor insisting that there must be no prohibition of the employment of Chinamen as seamen on our commercial vessels. So that neither American labor nor American capital is considered by the authors of these subsidy bills.

You can not name a single syllable in this bill which would prevent foreigners—a London corporation with an American directory of five or six people—from owning every ship that is to sail between our ports and the Philippine Islands. It is altogether certain, taking the history of our great railroad system as a criterion, if we shall subsidize our ships and make them sufficiently profitable, a favorite on the London Stock Exchange will be "American shipping bonds," "American shipping stocks," and probably a greater amount of these securities will be held abroad than in the United States. Thus the profits of the shipping we are to build up with subsidies will continue to go to foreigners.

There is absolutely nothing in any of these measures having any object except to enable the international money syndicate, the stock jobbers of the capitals of this country and foreign countries, to reach into the Treasury of the United States and take money out that they have not earned. The real cause of the financial cataclysms and disasters which have afflicted this generation is the partnership existing between London, New York, and Boston during the building of the transcontinental lines. Some would tell you these lines were built with foreign capital. I deny it. None of the great arterial roads of this country were built with foreign capital. They were built with domestic bonds, domestic subsidies, and after they were built they were consolidated by international stock jobbers, who straightway loaded them down with watered securities.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. CLAYTON. Mr. Speaker, I yield the balance of my time to the gentleman from Mississippi [Mr. WILLIAMS].

The SPEAKER. The gentleman has four minutes remaining.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I object to this bill for two reasons, each one of them fundamental in its character, in my opinion. First, I believe that it is the duty of the Government always, and in this case as much as in any other, to procure the performance of public service at the least possible expense to the public Treasury, and therefore at the least possible cost to the taxpayers, who keep the public Treasury replete with money. My second objection grows out of what was said by the gentleman from Minnesota [Mr. STEVENS]. He told us that if this bill were passed it would result in the creation and operation of two or three shipping lines from ports of the United States to the Philippine Islands. If that is true, Mr. Speaker, then the effect of this bill would be to create just that much more vested interest, dependent for its prosperity, if not for its very life, upon the permanent retention of the Philippine Islands.

I am very desirous of seeing the American people left free to consider and pass upon the great and vital question as to whether we shall or shall not permanently retain the Philippine Islands as a part of American territory, free as far as possible from financial, corporate, and other influences. I am very desirous to see us do nothing which shall result in creating great vested interests, which shall render it more and more difficult every day for us to cut loose from Asiatic territory and from oriential populations. It seems to me that that is the vital objection to this bill, because if we do pass it and if these lines are created we have called into being just one more interest to confuse and to corrupt the jury which is to pass upon this question, namely, the American voter—to bribe, in other words, a part of the jury by making it to their personal interest, whether it is to the public and national interest and interest of the perpetuity of our institutions or not, to remain permanently in control of the Philippine Islands. That is all I wanted to say, Mr. Speaker.

Mr. STEVENS of Minnesota. Mr. Speaker, how much time have I left?

The SPEAKER. Six minutes.

Mr. STEVENS of Minnesota. Mr. Speaker, I yield three minutes to the gentleman from Washington [Mr. JONES].

Mr. JONES of Washington. Mr. Speaker, this is certainly a very small bill to create such a furor. It is a bill of considerable importance, however. I do not care to say very much about it, because I realize that under the rule if our Democratic friends vote solidly against the bill, even though the Republican members vote solidly for it, the bill will fail, since it requires a two-thirds vote for its passage under the rules as we are now acting.

It seems to me that the figures cited in this report and the figures read by the gentleman from Alabama [Mr. UNDERWOOD] would show us that some good should result from this bill, and that our pride as Americans should lead us even to sacrifice a little, even a few dollars, in order to secure the carrying of American supplies, especially of Government supplies, in American vessels. Last year, as he read, we paid to the owners of foreign-built ships over $3,500,000 for the carrying of Government supplies. The year before we paid over $3,000,000 also. We paid to the owners of the vessels built in our own yards only a little over $1,000,000.

Now, I want to say to the members of this House that so far as I am concerned I would be willing to pay the 10 per cent, even in my own private business, in favor of American industries, in favor of the products of American labor, in favor of the encouragement of American producers, in preference to foreign labor and foreign products, and I believe that the Government could well afford to pay even 10 per cent, if it were necessary, in the carrying of its own supplies in the vessels of its own citizens, thereby encouraging its own labor and its own capital to that extent. But it does not follow that under this bill the Government would pay 10 per cent more. American vessels are competing in bids with foreign-built ships, and if the American vessel comes within 1 per cent of the bid of the foreign-built ship, as it now is, the Secretary of War has no discretion.

He must award the contract to the foreign-built ship; but under this bill, if an American vessel bids within 1 per cent, then he has discretion to allow the home vessel to carry the goods. Should he not have such discretion? It seems to me that every loyal American citizen and everyone who desires to see our own industries prosper—to see our goods transported under the American

flag—would be willing to pay 1 per cent, 2 per cent, 5 per cent, or even 10 per cent more in order to secure this business for our own people, and that is all that this bill does. If they do not bid within 10 per cent, then it goes to the foreign-built ships. If they bid within 10, 7, 5, 3, or 1 per cent, then they get the contract, and they ought to have it.

The gentleman from Tennessee asks whether the Quartermaster-General recommended this bill or not. He does not in this report, but I violate no confidence when I say that the Quartermaster-General personally is heartily in favor of this proposition, and the Secretary of War says he "warmly approves" it. As the gentleman from Minnesota [Mr. STEVENS] has said, this bill may mean the spending of a small additional sum by the Government, and it may mean the expenditure of not one cent additional. The benefits accruing from it will far exceed the outlay. There is a scarcity of American ships on the Pacific now. There are many building that with the least encouragement will go into the trade. With the Government supplies to transport and with the other business that will come they can make regular sailings to and from the Philippines and the Pacific coast. Even if the Government should pay a little more, the increased competition will lower freight rates to our own citizens. This is a benefit that should not be overlooked.

This bill affects the entire Pacific coast alike. No one city has an advantage over another by reason of the terms of this bill. If any line is contemplated by reason of the going into effect of our navigation laws in 1904 this bill will hasten this rather than retard. If any city has not the ships I am sure it would rather the trade should be done in our own ships than by those of foreigners. The simple proposition seems to me to be "Do we prefer our own Government to transport its own supplies under a foreign flag and in foreign ships, thereby employing foreign labor and capital, rather than in our own ships, under our own flag, and employing our own capital and labor, even if it costs a few cents more?" You may vote for the foreign ship; I will vote for the American ship, and I have no fears of the verdict of the American people on such a proposition. [Applause.]

Mr. STEVENS of Minnesota. Mr. Speaker, just one suggestion. As the gentleman from Washington [Mr. JONES] said, this bill does not amount to much. The Army has been reduced from forty-five or forty-six thousand men in the Philippines to twenty thousand next year.

Mr. HULL. Reduced from 62,000 men.

Mr. STEVENS of Minnesota. As the chairman of the Military Affairs Committee corrects me, the Army has been reduced from 62,000 men in the Philippines down to 20,000 next year. The supply of horses has already been mainly transported. The Department last year has finished a large freight ship, the *Samoa*, so that nearly all the freight will go by the Government lines.

The freights have been reduced from $7.39 per ton last year to about $4.50 per ton at the present time; so that all it will amount to during the next year will be, as I said, about 70,000 tons, according to the best estimate that can be made, and a discrimination may be allowed of about 50 cents a ton. Now, this small additional amount may or may not be necessary, according to the conditions of competition. Not 1 cent may be necessary, but if it is necessary, and if it results in starting one line or two lines or three lines to the Philippines—whether those islands are to remain with us permanently or not is not the question—if it results in starting one line or two lines or three lines to the Philippines, it seems to me that this money will be well expended. Now, Mr. Speaker, I ask for a vote.

Mr. SHAFROTH. I would like to ask the gentleman a question.

Mr. STEVENS of Minnesota. Yes.

Mr. SHAFROTH. The gentleman says most of the freight will be carried by Government vessels.

Mr. STEVENS of Minnesota. Yes.

Mr. SHAFROTH. Do you know whether it is the policy of the War Department to sell the transports or not?

Mr. STEVENS of Minnesota. No, sir; not a word has been said on that subject.

Mr. SHAFROTH. I notice that two vessels—the *Buford* and the *Grant*—have been advertised for sale.

Mr. STEVENS of Minnesota. Nothing has been said before the committee on that subject.

Mr. SHAFROTH. You do not know anything about the policy of the Government on that subject?

Mr. STEVENS of Minnesota. The policy of the Government for the next year, at least, will be to retain all the vessels that can be used for the Government business.

Mr. CLAYTON. You say this bill authorizes the payment of this extra 10 per cent if necessary. I should like to know of the gentleman if he ever knew of a case where anybody was authorized to draw a cent out of the Treasury that the money was not drawn out?

Mr. STEVENS of Minnesota. Yes; I know of a great many cases, and this may be one of them.

The SPEAKER. The question is on the motion of the gentleman from Minnesota to suspend the rules and pass the bill.

The question being taken,

The SPEAKER said: In the opinion of the Chair, the bill has failed to receive a two-thirds affirmative vote.

Mr. STEVENS of Minnesota. I ask for a division, Mr. Speaker.

The House divided; and there were—ayes 78, noes 66.

So (two-thirds not voting in favor thereof) the motion to suspend the rules and pass the bill was lost.

Mr. PAYNE. I yield to my colleague.

BILLS FROM COMMITTEE ON INDIAN AFFAIRS.

Mr. SHERMAN. Mr. Speaker, I move to suspend the rules and pass the resolution which I handed up a moment ago.

The Clerk read as follows:

Resolved, That at 5 o'clock p. m. on Tuesday, June 17, and Wednesday, June 18, the House take a recess until 8 o'clock p. m., and then remain in session not later than 10.30 o'clock p. m., at which sessions it shall be in order to consider bills reported from the Committee on Indian Affairs, and no other business shall be in order during such sessions.

Mr. CANNON. I hope the gentleman will modify that motion so that we can complete the deficiency bill.

Mr. SHERMAN. I am willing to accept any suitable suggestion.

Mr. CANNON. The gentleman understands that we have only Wednesday for the deficiency bill.

Mr. SHERMAN. Say we do not say the recess shall be taken at 5 o'clock.

Mr. PAYNE. Make it not to interfere with appropriation bills.

Mr. CANNON. I would rather not.

Mr. SHERMAN. I am entirely willing that the gentleman may fix it that the House take a recess at some time. Will you fix the time?

Mr. CANNON. I do not want gentlemen to suppose that we are within an hour of adjournment.

Mr. PAYNE. Suppose he says it shall not interfere with the consideration of appropriation bills.

Mr. SHERMAN. When the House is ready to adjourn, it will take a recess, and there shall be a session from 8 o'clock.

Mr. PAYNE. Make it this way: "*Provided*, That this order shall not interfere with the consideration of general appropriation bills."

Mr. SHERMAN. That is entirely satisfactory.

The SPEAKER. Without objection, the gentleman modifies his resolution so that it will read as follows:

Resolved, That at 5 o'clock on Tuesday, June 17, and Wednesday, June 18, the House shall take a recess until 8 o'clock p. m., and then remain in session not later than 10.30 o'clock p. m., at which sessions it shall be in order to consider bills reported from Committee on Indian Affairs, and no other business shall be in order during such sessions: *Provided*, That this order shall not interfere with the consideration of general appropriation bills.

Mr. CANNON. That does not make it any better. Then we would have to take a recess at 5 o'clock.

Mr. RICHARDSON of Tennessee. That forces the recess at 5 o'clock.

Mr. SHERMAN. I want to modify that suggestion—that the House take a recess until 6 o'clock.

Mr. CANNON. But suppose we want to go beyond 6 o'clock.

Mr. PAYNE. Let it be that on the second day the House shall take a recess after the completion of the appropriation bill.

Mr. SHERMAN. I will modify the resolution so as to strike out the entire question of the hour of taking a recess and provide that there shall be a session from 8 o'clock until 10.30 for the purpose of considering bills reported from the Committee on Indian Affairs.

Mr. CANNON. Not to interfere with appropriation bills.

The SPEAKER. Without objection, the gentleman will be permitted to make the following change in his motion, which the Clerk will report.

The Clerk read as follows:

Resolved, That on Tuesday, June 17, and Wednesday, June 18, the House shall hold evening sessions, beginning at 8 o'clock p. m. and remaining in session not later than 10.30 o'clock p. m., at which sessions it shall be in order to consider bills reported from the Committee on Indian Affairs, and no other business shall be in order during such sessions.

The SPEAKER. The question is on suspending the rules and agreeing to the resolution.

Mr. CANNON. Just for the sake of asking a question, I demand a second, and ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Illinois demands a second, and asks unanimous consent that the second may be considered as ordered.

Mr. CANNON. I want to ask the gentleman from New York what is the nature of the business to be brought up?

Mr. SHERMAN. Mr. Speaker, the business of greatest importance is the Creek and Cherokee treaties, the failure of the

ratification of which at this session would very materially delay the completion of the work of the Dawes Commission. There are some other treaty bills and some other minor legislative matters, some involving appropriations and some of them that do not. But the gentleman realizes that in an evening session of that kind it will practically require unanimous consent to pass anything, so that I think there is no possible danger of the Treasury being looted or obnoxious and vicious legislation being enacted.

Mr. CANNON. I think that in the matter of the ratification of treaties with the Indians there ought to be a full House, and not tired.

Mr. WILLIAMS of Mississippi. I would like to ask the gentleman whether these treaties to be considered include the treaty with the Mississippi Choctaws?

Mr. SHERMAN. Yes.

Mr. SHAFROTH. Would it not be well to let these bills be considered in Committee of the Whole at night, and then be called up for consideration in the House?

Mr. SHERMAN. Mr. Speaker, I think this is an order which everybody understands in effect means that we can only pass such legislation as would pass by a unanimous vote. We can not hope to have a quorum. When we pass this resolution all gentlemen realize that there will not be a quorum, and anybody can prevent any legislation they desire—any single individual. There can be no doubt about that.

The SPEAKER. The question is on suspending the rules and passing the resolution.

The question was taken; and (in the opinion of the Chair two-thirds voting in favor thereof) the rules were suspended and the resolution was passed.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 13278. An act granting an increase of pension to Levi H. Collins;

H. R. 12420. An act granting a pension to Wesley Brummett;

H. R. 12865. An act regulating the use of telephone wires in the District of Columbia;

H. R. 12828. An act granting a pension to Mary E. Culver;

H. R. 4103. An act granting a pension to William C. Hickox;

H. R. 8794. An act granting an increase of pension to Henry I. Smith;

H. R. 10545. An act granting an increase of pension to Solomon P. Brockway;

H. R. 7679. An act granting an increase of pension to Franklin Snyder; and

H. R. 9334. An act to amend an act to prohibit the passage of special or local laws in the Territories to limit Territorial indebtedness, and for other purposes.

The SPEAKER announced his signature to enrolled bills and joint resolutions of the following titles:

S. 3057. An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands;

S. 6030. An act authorizing the Newport Bridge, Belt and Terminal Railway Company to construct a bridge across the White River in Arkansas;

S. 3992. An act granting an increase of pension to David M. McKnight; and

S. R. 105. Joint resolution supplementing and modifying certain provisions of the Indian appropriation act for the year ending June 30, 1903.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appriate committees as indicated below:

S. 4308. An act for the relief of Katie A. Nolan—to the Committee on Claims.

S. 587. An act for the relief of A. M. Darling, administrator—to the Committee on Indian Affairs.

S. 1792. An act to amend an act entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property"—to the Committee on Interstate and Foreign Commerce.

Mr. PAYNE. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 47 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Robert R. Veitch, administrator of estate of Septimus Brown, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Interior, relating to the printing of United States maps and to a report and joint resolution of the House relating thereto—to the Committee on Printing, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. OVERSTREET, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 14898) relating to jurisdiction on appeals in the court of appeals of the District of Columbia and transcripts on appeals in said court, and to quiet title to public lands, reported the same with amendment, accompanied by a report (No. 2555); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4982) granting an increase of pension to John Fler, reported the same without amendment, accompanied by a report (No. 2498); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2409) granting an increase of pension to John A. Rotan, reported the same without amendment, accompanied by a report (No. 2499); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5052) granting an increase of pension to Gilbert Barkalow, reported the same without amendment, accompanied by a report (No. 2500); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1743) granting an increase of pension to Cornelia F. Whitney, reported the same without amendment, accompanied by a report (No. 2501); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4494) granting an increase of pension to Oscar Van Tassell, reported the same without amendment, accompanied by a report (No. 2502); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1193) granting an increase of pension to Jane M. Meyer, reported the same without amendment, accompanied by a report (No. 2503); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4088) granting an increase of pension to Henry Jennings, reported the same without amendment, accompanied by a report (No. 2504); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5361) granting an increase of pension to Martha A. Johnston, reported the same without amendment, accompanied by a report (No. 2505); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3668) granting a pension to Hulda Milligan, reported the same without amendment, accompanied by a report (No. 2506); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1801) granting an increase of pension to James K. Van Matre, reported the same without amendment, accompanied by a report (No. 2507); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5500) granting an increase of pension to Angus Cameron, reported the same without amendment, accompanied by a report (No. 2508); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3505) granting an increase of pension to Matthew B. Noel, reported the same without amendment, accompanied by a report (No. 2509); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5648) granting an increase of pension to Frederick Bulkley, reported the same without amendment, accompanied by a report (No. 2510); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2109) granting an increase of pension to Charles C. Davis, reported the same without amendment, accompanied by a report (No. 2511); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3341) granting an increase of pension to Robert H. Busteed, reported the same without amendment, accompanied by a report (No. 2512); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5782) granting an increase of pension to Lucy A. Turner, reported the same without amendment, accompanied by a report (No. 2513); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2638) granting an increase of pension to David O. Carpenter, reported the same without amendment, accompanied by a report (No. 2514); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5534) granting an increase of pension to Abbie C. Bremner, reported the same without amendment, accompanied by a report (No. 2515); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2056) granting an increase of pension to David J. Newman, reported the same without amendment, accompanied by a report (No. 2516); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4141) granting an increase of pension to John Cook, reported the same without amendment, accompanied by a report (No. 2517); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5491) granting an increase of pension to John R. Sandsbury, reported the same without amendment, accompanied by a report (No. 2518); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3493) granting an increase of pension to Charles W. Rose, reported the same without amendment, accompanied by a report (No. 2519); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 959) granting an increase of pension to William H. Green, reported the same without amendment, accompanied by a report (No. 2520); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4727) granting an increase of pension to Isaac Rhodes, reported the same without amendment, accompanied by a report (No. 2521); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3819) granting an increase of pension to William A. P. Fellows, reported the same without amendment, accompanied by a report (No. 2522); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4393) granting an increase of pension to William M. Hodge, reported the same without amendment, accompanied by a report (No. 2523); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4348) granting an increase of pension to James Thompson, reported the same without amendment, accompanied by a report (No. 2524); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5321) granting a pension to Rebecca H. Geyer, reported the same without amendment, accompanied by a report (No. 2525); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5882) granting an increase of pension to Merzellah Merrill, reported the same without amendment, accompanied by a report (No. 2526); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3506) granting an increase of pension to Stanley M. Caspar, reported the same without amendment, accompanied by a report (No. 2527); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3781) granting an increase of pension to George A. Mercer, reported the same without amendment, accompanied by a report (No. 2528); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5893) granting an increase of pension to Willie Thomas, reported the same without amendment, accompanied by a report (No. 2529); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5913) granting a pension to Cherstin Mattson, reported the same without amendment, accompanied by a report (No. 2530); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2935) granting a pension to Joanna Rommel, reported the same without amendment, accompanied by a report (No. 2531); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3212) granting a pension to Ellen A. Sager, reported the same without amendment, accompanied by a report (No. 2532); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5719) granting an increase of pension to Sidney N. Lund, reported the same without amendment, accompanied by a report (No. 2533); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2542) granting an increase of pension to L. D. Trent, reported the same with amendments, accompanied by a report (No. 2534); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8254) granting an increase of pension to John R. Curry, reported the same with amendments, accompanied by a report (No. 2535); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8247) granting an increase of pension to Francis M. McCoy, reported the same with amendment, accompanied by a report (No. 2536); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8175) granting an increase of pension to John W. Covey, reported the same with amendments, accompanied by a report (No. 2537); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14789) granting a pension to David Brobst, reported the same with amendments, accompanied by a report (No. 2538); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10858) granting an increase of pension to John H. Dittman, reported the same with amendments, accompanied by a report (No. 2539); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13262) granting an increase of pension to James M. Spencer, reported the same with amendment, accompanied by a report (No. 2540); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14373) granting an increase of pension to W. H. Loyd, reported the same with amendments, accompanied by a report (No. 2541); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14957) granting an increase of pension to Mathias Custer, reported the same with amendments, accompanied by a report (No. 2542); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11694) granting an increase of pension to Dennis F. Andre, reported the same with amendment, accompanied by a report (No. 2543); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11289) granting a pension to Elizabeth M. Sale, reported the same with amendment, accompanied by a report (No. 2544); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12474) granting a pension to Levin W. Bothum, reported the same with amendment, accompanied by a report (No. 2545); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11699) granting a pension to Mary E. Morgan, reported the same with amendment, accompanied by a report (No. 2546); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11280) granting an increase of pension to Henry J. Feltus, reported the same with amendment, accompanied by a report (No. 2547); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11494) granting a pension to Henrietta A. Buell, reported the same with amendments, accompanied by a report (No. 2548); which said bill and report were referred to the Private Calendar.

Mr. NORTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7851) granting a pension to Jennie H. Cramer, reported the same with amendments, accompanied by a report (No. 2549); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5057) granting an increase of pension to Alfred J. Isaacs, reported the same with amendments, accompanied by a report (No. 2550); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 714) granting an increase of pension to Frederick Hart, reported the same with amendment, accompanied by a report (No. 2551); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4179) granting a pension to Romantus Lake, reported the same with amendments, accompanied by a report (No. 2552); which said bill and report were referred to the Private Calendar.

Mr. WATSON, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 1949) to authorize the Secretary of the Navy to appoint G. H. Paul a warrant machinist in the Navy, reported the same without amendment, accompanied by a report (No. 2554); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. SCOTT: A bill (H. R. 15126) for the relief of ex-Union prisoners of war—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 15127) to refund to the State of Texas the sum of $50,875.53, the same being the amount due the State of Texas in the adjustment of claims relating to the transfer of Greer County, Oklahoma Territory, from the State of Texas to the United States—to the Committee on Claims.

By Mr. STEELE: A concurrent resolution (H. C. Res. 56) to print a Congressional directory—to the Committee on Printing.

By Mr. BURKE of South Dakota: A resolution (H. Res. 306) requesting information from the Attorney-General—to the Committee on Appropriations.

By Mr. JOY: A resolution (H. Res. 307) for the payment of $250 for additional clerical services rendered the Committee on Accounts—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BURKE of South Dakota: A bill (H. R. 15128) to reward certain Sioux Indians for the rescue of white captives and their compensatory payment of ponies—to the Committee on Claims.

By Mr. CANNON: A bill (H. R. 15129) granting an increase of pension to Ira Bacon—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 15130) granting an increase of pension to Mahlon M. Lucky—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 15131) granting an increase of pension to Luther St. John—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 15132) for the relief of Serenus Kilbourne—to the Committee on Military Affairs.

By Mr. MICKEY: A bill (H. R. 15133) granting an increase of pension to William H. H. Westbrook—to the Committee on Invalid Pensions.

By Mr. MOODY of Oregon: A bill (H. R. 15134) granting a pension to Chancy Akin—to the Committee on Pensions.

By Mr. REEDER: A bill (H. R. 15135) granting an increase of pension to Hiram Bundy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15136) granting an increase of pension to Benjamin F. Lambert—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 15137) granting a pension to Clark J. Hogoboom—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15138) granting a pension to Mary J. Chenoweth—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 15139) for the relief of the estate of Samuel A. Spencer—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELL: Petition of M. J. McMillin and 4 other citizens of Carlton, Colo., in favor of House bill 6565, for the marking and tagging of manufactured fabrics—to the Committee on Ways and Means.

By Mr. BOWERSOCK: Resolutions of the Southern Kansas Millers' Club, favoring the adoption of such reciprocal treaties as will place the millers of America on an equal commercial basis with foreign competitors—to the Committee on Ways and Means.

By Mr. BROMWELL: Petition of numerous citizens of Cincinnati, Ohio, in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. CANNON: Papers to accompany House bill granting an increase of pension to Ira Bacon—to the Committee on Invalid Pensions.

By Mr. DOVENER: Papers to accompany House bill 3489, granting an increase of pension to Beckwith A. McNamar—to the Committee on Invalid Pensions.

By Mr. DRAPER: Resolution of Jewelers' Association and Board of Trade, New York, in favor of House bill 13679, amending the bankruptcy law—to the Committee on the Judiciary.

By Mr. HANBURY: Papers to accompany House bill 14479, granting an increase of pension to Lewis Leavens—to the Committee on Invalid Pensions.

By Mr. HITT: Petition of the Woman's Christian Temperance Union of Forreston, Ill., in favor of the Shattuc immigration bill—to the Committee on Immigration and Naturalization.

By Mr. KETCHAM: Petition of 36 citizens of Redhook, N. Y., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. LACEY: Resolutions of Mine Workers' Union No. 671, of Seevers, Iowa, favoring the passage of the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

Also, petition of the board of supervisors of Wayne County, Ill., in favor of House bill 8325—to the Committee on the Public Lands.

By Mr. LITTLEFIELD: Resolutions of the Portland Yacht Club, of Portland, Me., in favor of a law to pension men of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. MOODY of Oregon: Paper to accompany House bill for the relief of Chang Akin—to the Committee on Pensions.

By Mr. OTJEN: Resolutions of the common council of Milwaukee, Wis., in favor of a law to pension men of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDSON of Tennessee: Petition of Richard P. Perkins, of Crawford County, Ark., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. ROBERTS: Resolutions of the selectmen of the town of Winthrop, Mass., for increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. RUPPERT: Resolution of the Jewelers' Association and Board of Trade, urging the passage of House bill 13679, amending the bankruptcy law—to the Committee on the Judiciary.

By Mr. RYAN: Resolutions of the East Buffalo Live Stock Association, of Buffalo, N. Y., favoring a bill to authorize

the Mather Power Company to construct experimental span in Niagara River at Buffalo, N. Y.—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Jewelers' Association and Board of Trade of New York City, favoring the Ray bankruptcy bill—to the Committee on the Judiciary.

Also, protest of the Pure Oil Company, of Pittsburg, Pa., against the passage of the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. SMITH of Kentucky: Papers relating to the claim of Rebecca Spencer for board and attention given to sick soldiers and for feeding soldiers during the civil war—to the Committee on War Claims.

By Mr. STEVENS of Minnesota: Resolution of St. Paul Turnverein, in favor of the South African republics—to the Committee on Foreign Affairs.

By Mr. SUTHERLAND: Petition of D. L. Sprague and other citizens of Utah, in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. WRIGHT: Resolutions of Pomona Grange, No. 7, of Susquehanna County, Pa., favoring House bills 3521 and 3575, to enlarge the jurisdiction of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, *June 17, 1902.*

The Senate met at 11 o'clock a. m.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

OKLAHOMA, ARIZONA, AND NEW MEXICO.

Mr. QUAY. Mr. President, I desire to give notice at this time that on Thursday next, after the conclusion of the voting upon the Nicaragua Canal bill, I shall move to discharge the Committee on Territories from the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States, and that the Senate shall proceed to the consideration of the bill.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed with amendments the following bills; in which it requested the concurrence of the Senate:

A bill (S. 640) to extend the provisions, limitations, and benefits of an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and Seminole war;"

A bill (S. 4850) to increase the pensions of those who have lost limbs in the military or naval service of the United States or are totally disabled in the same; and

A bill (S. 5269) to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln, late President of the United States.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 10933) to provide for the erection, at Fredericksburg, Va., of the monument to the memory of Gen. Hugh Mercer, which it was ordered by Congress, on the 8th day of April, 1777, should be erected;

A bill (H. R. 12141) to amend an act entitled "An act amending section 4708 of the Revised Statutes of the United States, in relation to pensions to remarried widows; and

A joint resolution (H. J. Res. 6) in relation to monument to prison-ship martyrs at Fort Greene, Brooklyn, N. Y.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (S. 3057) appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands;

A bill (S. 3992) granting an increase of pension to David M. McKnight;

A bill (S. 3060) authorizing the Newport Bridge, Belt and Terminal Railway Company to construct a bridge across the White River in Arkansas;

A bill (H. R. 4103) granting a pension to William C. Hickox;

A bill (H. R. 7679) granting an increase of pension to Franklin Snyder;

A bill (H. R. 8794) granting an increase of pension to Henry I. Smith;

A bill (H. R. 9334) to amend an act to prohibit the passage of special or local laws in the Territories, to limit the Territorial indebtedness, and for other purposes;

A bill (H. R. 10545) granting an increase of pension to Solomon P. Brockway;

A bill (H. R. 12420) granting a pension to Wesley Brummett;

A bill (H. R. 12828) granting a pension to Mary E. Culver;

A bill (H. R. 12865) regulating the use of telephone wires in the District of Columbia;

A bill (H. R. 13278) granting an increase of pension to Levi H. Collins; and

A joint resolution (S. R. 105) supplementing and modifying certain provisions of the Indian appropriation act for the year ending June 30, 1903.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented resolutions adopted at a mass meeting of citizens of Ticonderoga, N. Y., favoring the purchase by the United States Government of the old forts at Ticonderoga and Crown Point in that State; which were referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Brooklyn, N. Y., praying for the enactment of legislation providing that eight hours shall be the maximum work day in all trades and employments; which was referred to the Committee on Education and Labor.

Mr. CULLOM presented a petition of the Illinois State Agency, of Chicago, Ill., praying for the enactment of legislation providing for the final adjustment and settlement of the swamp-land indemnity due the State of Illinois under the act of Congress approved March 3, 1855; which was referred to the Committee on Public Lands.

He also presented a resolution adopted at the Fifth International Congress of Criminal Anthropology, held at Amsterdam, Holland, favoring the establishment of psycho-physical laboratories for the practical application of physiological psychology to sociological and abnormal or pathological data, etc.; which was referred to the Committee on Education and Labor.

He also presented petitions of the International Association of Machinists, American Federation of Labor, of Springfield; of the International Association of Machinists, American Federation of Labor, of East St. Louis, and of the International Association of Machinists, American Federation of Labor, of Batavia, all in the State of Illinois, praying for the passage of the so-called eight-hour bill; which were referred to the Committee on Education and Labor.

Mr. BLACKBURN presented a petition of sundry citizens of Kentucky, praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

Mr. WELLINGTON. I present a memorial of the general assembly of Maryland relative to the use of Maryland granite in the construction of the United States custom-house at Baltimore, in that State. I ask that the memorial be printed in the RECORD and referred to the Committee on Public Buildings and Grounds.

The memorial was referred to the Committee on Public Buildings and Grounds, and ordered to be printed in the RECORD, as follows:

Joint resolution No. 3.—Joint resolution of the general assembly of Maryland, requesting the Secretary of the Treasury of the United States Government to require the use of Maryland granite in the construction of the United States custom-house at Baltimore, Md.

Whereas a new custom-house is to be constructed by the United States Government at Baltimore, Md., and

Whereas the State of Maryland produces as fine and durable a granite as there is produced elsewhere: Be it

Resolved by the general assembly of the State of Maryland, That the Secretary of the Treasury of the United States Government be, and he is hereby, requested to require that in the construction and erection of the United States custom-house at Baltimore, Md., granite stone produced from the quarries of the State of Maryland be used.

Be it further resolved, That the secretary of state be, and he is hereby, authorized to transmit a copy of these resolutions, under the seal of the State, to the said Secretary of the Treasury of the United States, and to each of the Senators and Representatives now in Congress from this State.

Witness our hands February 19, 1902.

NOBLE L. MITCHELL,
Speaker of the House of Delegates.
JOHN HUBNER,
President of the Senate.

THE STATE OF MARYLAND, EXECUTIVE DEPARTMENT.

I, John Walter Smith, governor of the State of Maryland, and having control of the great seal thereof, do hereby certify that the foregoing is a